As the date that the United Kingdom withdraws from the European Union draws ever closer (currently 29 March 2019), the chance of the UK leaving without a deal increases by the day. A withdrawal deal would provide terms for an orderly withdrawal and would also create a transition period until 31 December 2020, to give countries, companies and individuals the time to plan and prepare. If a deal is not agreed and ratified in time, the UK would leave without agreed terms that apply equally across all countries in the EU and without the 21 month transition period.

In the area of citizens’ rights and people, a no-deal scenario means that free movement in the EU will no longer apply to UK citizens as of Brexit day. It also means that post-Brexit immigration arrangements will be decided country by country, rather than via a standard EU framework. For UK citizens already residing in Europe, the right to continue living and working in the EU will depend on the rules of the specific country where they are living. All UK nationals who do not live in the EU will immediately lose preferential EU rights and would, as a rule, require work and residence permits after Brexit day, if there is no-deal.

This guide explains a bit more about what no-deal would mean in the EU, and highlights some areas where the impact of a no-deal Brexit could be particularly high. Of course, the topic of Brexit continues to change, almost daily, so please check our Brexit microsite or contact a Fragomen professional to obtain the most up-to-date information and advice.

**UK NATIONALS ALREADY LIVING IN AND/OR WORKING IN THE EU**

1. **UK nationals already legally residing and working in an EU country prior to Brexit**

   There are currently no approved laws in any of the EU countries, only proposals that depend on the next steps that the UK takes. In general, the proposals protect rights to live and work in that country, but protections vary widely from country to country.

   - Most EU countries have proposed no-deal arrangements with a ‘grace period’ (from a few months to over one year).
   - During the grace period UK nationals will either have to obtain a temporary permit or will be able to keep the permits they already hold, as proof of their work and residence rights.
   - These documents may also allow UK nationals to travel within the EU.

   By the end of the grace period, UK nationals will have to obtain a different permit.

   - In some countries, the new permits will be issued under the rules for EU citizens. These are the rules that currently apply to UK citizens, so there will be minimal impact.
   - In other countries, the rules after the grace period will be the same as for non-EU citizens – this means applying for work and residence permits under the national rules. This will have a large impact.
   - These permits will only allow work in the EU country that issued them, not in the other EU countries.

2. **Cross-border workers: UK nationals residing in one EU country but working in another EU country**

   Permits issued to UK residents already in the EU will only cover work activities in the country that issues the permit. Work in another EU country would not be covered by that permit. So far, the no-deal plans published by EU countries do not address cross-border workers. This is on the radar of EU countries, but none of them have made any public statements.
The level of protection will be granted on a country-by-country basis, so we may end up in very different situations. This is a category at risk.

3. Cross-border workers: UK nationals residing in the UK, working in an EU country
No assurances have been given for UK nationals residing in the UK and working in an EU country in case of a no-deal. This is also a category at risk.

UK NATIONALS NOT ALREADY LIVING OR WORKING IN THE EU

1. Business visitors post-Brexit: UK nationals residing and working in the UK conducting business visits in EU countries
Both the EU and the UK have highlighted their intention to exempt business visitors from short term visa requirements. However, there are currently no laws confirming this and it remains an area that requires attention until new rules are enacted. For UK nationals who are risk averse, it would be wise to consider already travelling before Brexit day, as it is not possible to apply for a visa until the new rules are drafted and ratified. For travel that will occur in the months after Brexit, some delays at border crossings should be expected.

Next to the issue of visas, there is also the question of whether work that is currently conducted during business travel would require a work permit. If there is a no-deal Brexit, a country-by-country analysis must be conducted to check if the activities of travellers during their business visits are considered work requiring a work permit. Each EU country has its own definition of activities and timeframes that are considered exempt from work permit requirements, and if activities do not fall in these categories, work permits would in principle be required.

Finally, the duration of total stay in each six month period in the Schengen area must be monitored. Even if visas are not required and activities do not require a work permit, under visa time rules, the total stay will have to be limited to 90 days in any 180-day period. This can become quite technical, as the Schengen area comprises most EU countries, and the stay rules cover all the days spent in all Schengen countries. For travellers who spend more than three months in the Schengen area, residence permits would be required. Application processing times for permits can take several months, so it is wise to start planning now.

2. UK nationals assigned or locally hired after Brexit day
If there is a no-deal Brexit, all UK nationals who are not already residing in the EU will immediately lose EU work and residence rights that come with freedom of movement. To be able to work in the EU post-Brexit, UK nationals will, as a rule, have to apply for work permits in the EU country where they will work, under the rules that country applies to non-EU citizens (for example, US or Canadian nationals). If Brexit occurs on 29 March 2019, these immigration rules would apply to your UK employees who begin work in the EU from 30 March 2019.

Several work permit options exist in EU countries and all have different processing times, document requirements, etc. There is wide variation across the EU, and currently there is only one permit type that allows work in multiple EU countries (the EU ICT permit). It is wise to start planning now, to minimise delays and interruptions if there is a no-deal Brexit.
## HOW CAN FRAGOMEN HELP

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<th>Issue</th>
<th>How we can help you</th>
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| **Concerns about business travellers and non-compliant activities** | • We can help you understand the latest legal position  
• We can assess travellers on a case by case basis or provide a Compliance Matrix that assesses what an individual can do on a country by country basis |
| **Concerns about UK nationals already living and working in Europe** | • Consult our [consolidated summary](#) of the latest announcements for each of the 31 countries and the UK on our [Brexit microsite](#).  
• We can assess UK residents on a case by case basis or provide a Compliance Matrix that details what UK nationals based in Europe prior to Brexit are able or required to do in order to protect their position |
| **Concerns about UK nationals entering Europe to work after Brexit or Europeans coming the UK** | • We can provide country snapshots on policy and process  
• We can assess work permit eligibility, advise on timing – and generally after Brexit – submit work permit applications, or similar  
• We can work with you to design new people strategies to work out the best ways to get people working quickly in Europe |
| **Reassuring and educating your workforce on what Brexit means for them** | • We can develop a communication strategy covering the next three years  
• We can provide useful resources and information, including webinars, townhall meetings, videos, guides, FAQs and more |

## CONTACT DETAILS

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