

# Potential 'Brexit' Impact On Immigration

At the time of writing this article it is still unclear as to the outcome of the Brexit vote. It is apparent though from the numerous debates across the media that regardless of the decision, and with the focus on reducing net migration figures, there is likely to be a change in immigration policy.

A vote for the United Kingdom to 'leave' the European Union (EU) could impact employee mobility, immigration, and UK citizenship status. Many organisations are therefore concerned about what such an exit would mean for their workforce, and the consequences it could have on the status of their EU nationals in the United Kingdom.

There has been much debate regarding the potential of Britain exiting the EU. The disagreements and divisions between British political parties on whether to leave or stay within the EU have provoked heightened debates surrounding how immigration and free movement would operate for both UK and European based businesses.

The Eurosceptic sentiment among politicians and individuals within Britain has become more evident with the incentive to sway votes for the upcoming referendum (23rd June 2016). A withdrawal from the EU could mean many things for EU migrants and businesses within the UK and in Europe, thus potentially including the need to apply for a visa to reside, work and study within the UK if coming from an EU member state. It is therefore important that individuals and businesses are aware of how a majority vote to leave the EU could impact immigration and that global businesses ensure they are prepared through diligent workforce planning for overseas assignments to the UK.

'Brexit' still largely lacks definition, and in the event of a vote to 'leave', changes in law are possible, and there could be an impact on immigration and the mobility of employees.

For example, there could be limitations on immigration – from both inside and outside the European Economic Area.

Currently EU citizens and their family members have the right to move freely and reside within the EU. They are able to remain in the EU for 3 months and then must either be a qualified person to remain further. This would be an individual who is self-employed, employed, and self-sufficient, a student or a job seeker.

The primary aim of free movement within

the EU is to support the internal market and to encourage social integration. Being a member of the EU allows nationals of a European Union country to move, live, and work from one member state to another. EU nationals are free to enter the EU with presenting their EU passport or identity card. Potentially, 'Brexit' could restrict employee mobility or lead to discrimination risks for employers, who may be hesitant to go through an onerous immigration process to recruit EU nationals.

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There is also a question of how UK nationals in EU countries or EU nationals in the UK will be tracked. Currently, there is no system which enables the government to monitor how many individuals will be affected. Will we have to resort to the biometric residence card, whereby each individual will be required to apply for a residence card in order to verify their immigration status? This will prove a large burden on organisations to ensure that each of their EU employees will apply and are able to confirm that they are able to work.

The government have not devised a clear strategy as to the actual impact of a BREXIT. It is understood, that it would take many years to formalise a policy. There are considerable legal hurdles to consider including the negotiation of new trade agreements, revision of UK immigration legislation. Could Britain revert to similar treaty agreements to Norway and Switzerland? How will the other EU member states react? We should prepare for a change to immigration policy and it is important that organisations take action now.

## Points To Consider:

- A post-Brexit EU could still permit free movement, albeit with additional immigration and border control policies
- Individuals who previously came to the UK without being required to obtain visas could have additional requirements imposed upon them, either before travel or at the border
- Clarity is needed on whether EU nationals already living in the UK would be permitted to stay, or be required to attain citizenship. Will EU nationals who have lived in the UK for at least five years, for example, and who have been exercising their Treaty Rights (working, self-employed, or a student) automatically have permanent residence status conferred upon them?



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