

EU Referendum - Employers Q&A

So what happens following 23 June 2016?

There will be no immediate changes post the Referendum. Estimates suggest a minimum period of 2.5 years before the UK would leave the EU as Parliament must first ratify the Referendum results. Then notice must be given under EU Law (known as the 'Treaty of Lisbon') which allows for a 2 year exit period

Current Freedom of Movement rules will continue to apply until the date of a formal exit

What is the position when we exit?

Any Immigration requirements for EU/Swiss nationals in the UK will depend on the final trade agreements negotiated, which are still to be decided. However Leave campaigners have suggested requirements may be similar to existing rules for non-EU nationals including English language, minimum skill and salary levels

What is the position for EU/Swiss nationals in the UK ?

The position post a formal exit from the UK will depend on the final trade position negotiated, which is currently unknown.

Current rights to remain in the UK are granted under EU law. Under possible future UK law different groups may be treated differently as below:

5 + years in the UK

Current law allows for a right of Permanent Residence which is widely expected to be replicated for existing EU/Swiss migrants under UK law

Less than 5 years in the UK

Currently the position is less clear for this group and will likely depend on how the vote to Leave will be implemented

Arriving post 24th June

Whilst the UK cannot impose restrictions on EU nationals until a formal exit, retrospective restrictions may apply

What are the possible outcomes?

There are a range of possible trade negotiation positions ranging from membership of the European Economic Area (EEA) to a Free Trade Agreement. It is possible that this final trade position will contain an agreement that is similar to the EU Freedom of Movement principles

Can UK companies still employ EU/Swiss nationals?

Yes, until a formal exit date EU nationals can still work for any employer in any role. The position post exit is less clear at this stage – once details regarding the approach to trade negotiations have been clarified there should also be more details on any possible immigration requirements. Regulations with respect to Swiss nationals will depend on the final trade agreements between Switzerland and the UK

What is the position for UK nationals in the EU/Switzerland?

UK nationals will be able to continue to work freely in Switzerland/the EU for the time being. The position of those already living in Switzerland will not be affected. The position of those who wish to move post a formal exit is still unclear and will be decided depending on the final trade agreements between Switzerland and the UK

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