



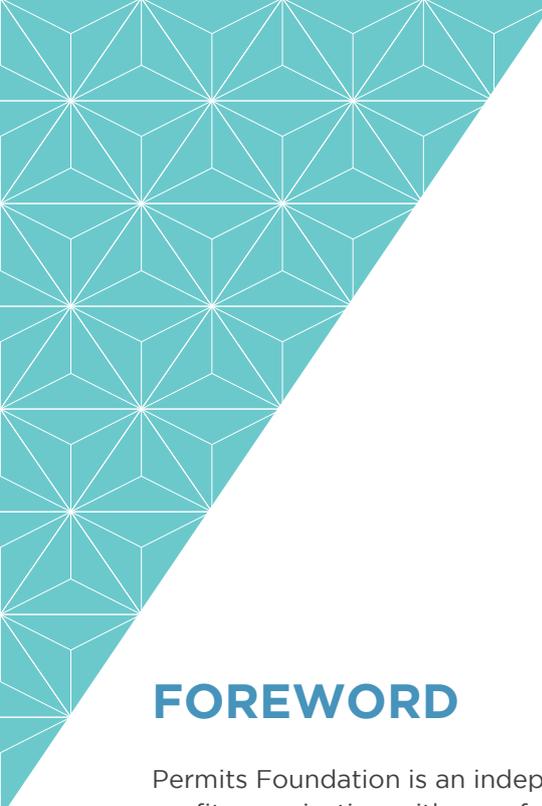
BREXIT SURVEY REPORT

A survey of employers on the impact of Brexit on EU citizen employees in the UK and their family members

June 2018

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FOREWORD

Permits Foundation is an independent, not-for-profit organisation with over forty [international sponsors](#) from the private and public sector. We work globally to improve work permit regulations to make it easier for partners of expatriate staff to gain employment during an international assignment.

Permits Foundation carries out periodic surveys to stay up-to date on how employers, employees and their family members are experiencing global migration and employment. We make the results available to governments, companies and civil society as a resource for policy development in the fields of managed migration and dual careers. Given this context and the international nature of our sponsors and network, our work tends to relate to highly-skilled employees and their families.

With Brexit negotiations still ongoing and less than a year before the transition or implementation period is due to begin, Permits Foundation felt that a short survey focusing on family members would be relevant and timely. We are extremely grateful for the feedback, which helps us to reflect the views of companies and other organisations on this important issue.

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Authors

INTRODUCTION

This report looks at employers' views on the impact of Brexit on EU citizen employees in the UK and their family members. It is based on evidence collected in the Permits Foundation Brexit survey of HR and mobility managers between February and April 2018.

The survey and report focus in particular on the issue of family members of EU citizen employees in the UK. The question of whether the spouse or partner can accompany and work in the host country is often a major factor in deciding whether to accept a job offer. It affects men and women of all nationalities, in both the private and public sectors.¹ This issue is a concern to international companies and organisations that cite separate work permit barriers for partners as a significant hurdle to employee mobility, integration and equal opportunity.² While employers are preparing for Brexit, we felt it was important to hear from organisations employing EU citizens in the UK (and also UK citizens in the EU). The survey reflects the wide variety of sectors affected, with respondents from major companies, universities and research institutes. A number of the immediate concerns raised by respondents appear to be addressed in the recently published UK Home Office Statement of Intent on EU settlement, although concerns remain regarding the position of partners where the relationship begins after 31 December 2020.

In anticipation of the Migration Advisory Committee (MAC) report, UK Government immigration White Paper and the final Brexit deal, we hope that the report findings provide a useful evidence base for policy makers and employers, also regarding the future regulations following the transition period. To this end and based on the information gathered, we make several policy recommendations.

EXECUTIVE SUMMARY

Seventy-four senior HR and mobility managers from companies, research institutes and universities employing EU citizen staff took part in the Permits Foundation Brexit survey.

Importance of family members to employers

In the majority (73%) of organisations, the issue of employees' family members had been raised during internal discussions on Brexit. The right of current family members to remain, the right of future partners to join, and access to employment of family members were the most frequently mentioned topics.

No further restrictions on family rights

The vast majority (95%) of HR managers said that EU citizen employees and family members arriving during the transition phase should have the right to stay on and settle and 86% said that the definition of 'family' should remain the same. For EU citizens currently living in the UK, 89% said that future partners should be able to join post Brexit (March 2019).

Unanimous support for partner access to employment

The strongest message from the survey was on permission for partners to work and the continuation of existing rights in this field. Irrespective of their sector, all HR managers said that a spouse or partner joining the EU citizen employee during the transition phase should have access to employment. If the spouse or partner were not authorised to work, the vast majority (more than 94%) said that there would be a negative impact on recruitment and retention of highly skilled staff as well as competitiveness and the business reputation of the UK.

These results correlate with the evidence gathered in Permits Foundation's previous UK report on Tier 2 migrants, which found that "limiting the right of dependants to work would have negative economic and social impacts on families, companies and the UK as a whole." ³

A short, simple and user-friendly registration procedure

In light of the planned registration process for EU citizens after Brexit, almost every HR manager said it was important that the online form should be easy to fill out. Participants also prioritised the importance of cost-free conversion for those who had successfully applied for permanent residence (88%) and minimal documentation requirements (81%). Most expected that their organisations would help with registration, but to differing degrees. For family members applying to arrive in the UK after Brexit, 51% of respondents expect the process to be completed within one month and 30% within two months.

Policy recommendations on the basis of these findings can be found in the Conclusion section.

SURVEY CONTEXT

Living and working in the UK

Currently, EU nationals enjoy the rights offered under EU free movement rules and are free to live and work in the UK without a visa. Non-EU nationals are able to work in the UK via the points-based system (PBS), currently under a Tier 1, Tier 2 or Tier 5 (temporary worker) visa. Family members are allowed to accompany and access employment, though there are differences. For example, for EU nationals there are no salary thresholds, there is unrestricted intra-EU mobility and the definition of family is wider, allowing children to accompany up to 21 years of age compared to 18 years for PBS migrants. These are important factors to bear in mind when considering how EU citizen rights might change post Brexit. Also important is the transition phase or implementation period (expected to run between March 2019 and December 2020).

Brexit negotiations

Joint negotiations between the EU and the UK are ongoing and indicate a fair degree of provisional agreement on the issue of citizens' rights. For example, the UK government has stated that *"EU citizens and UK nationals will have their rights preserved so that they can carry on living their lives broadly as they do now"*. A few points, such as the rights of future partners and the rights of UK citizens in the EU, are not yet decided. Moreover, all negotiations are operating under the caveat that *"nothing is agreed until everything is agreed"*.⁴

The general message from the UK Government is that there will be a smooth transition to Brexit for EU citizens, with most cases being handled relatively easily by a registration system where *"the default position will be to say 'yes' to applications"*.⁵

From the Home Office⁶, we hear that EU citizens who have been living in the UK for five years prior to registration should be granted settled status. Applicants residing for less than five years and who can provide evidence that they were resident before the specified date, will be given pre-settled status. Some people may need to take extra procedural steps or provide additional documents, for example family members who are not EU citizens. This could have an impact on the experience of EU citizens and their family members in the UK in the lead up to Brexit.

HR expectations

This survey covers several issues which can be framed as expectations in relation to citizens' rights. The responses offer policy makers a clear marker of employer views, particularly in relation to family members. We compare government and employer expectations. Whether the outcome meets expectation will be a focus of Permits Foundation in the coming months.

The survey questions cover concerns raised by and to HR staff preparing for Brexit as well as the type of support they anticipate that employers may be willing to offer. Seventy-four HR and mobility managers took part in the survey, coming from global companies, universities and research organisations employing EU citizens in the UK. A list of these organisations can be found at the end of the report.

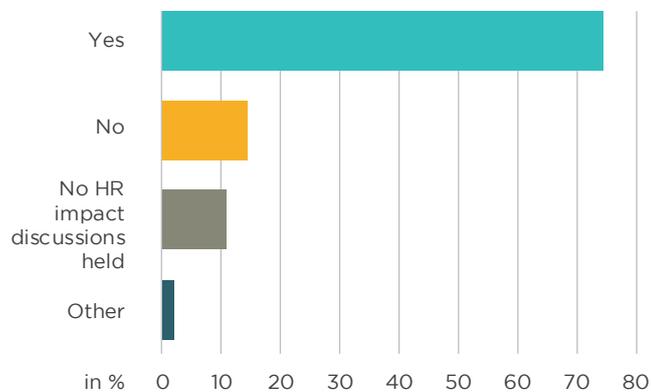
UK EMPLOYERS' VIEWS ON THE IMPACT OF BREXIT ON EU CITIZENS AND THEIR FAMILY MEMBERS

Family matters

The survey focused on issues related to family members (irrespective of their nationality) and these issues proved to be a widespread concern.

Almost three quarters (73%) of HR managers said that family matters had been raised during internal discussions on Brexit. In 14% they had not and for 11%, discussions on the HR impact of Brexit had not (yet) been held. From this we can ascertain that the issue of family members of EU citizens is significant as it has been raised in the vast majority of organisations surveyed.

Q: Had family issues been raised?

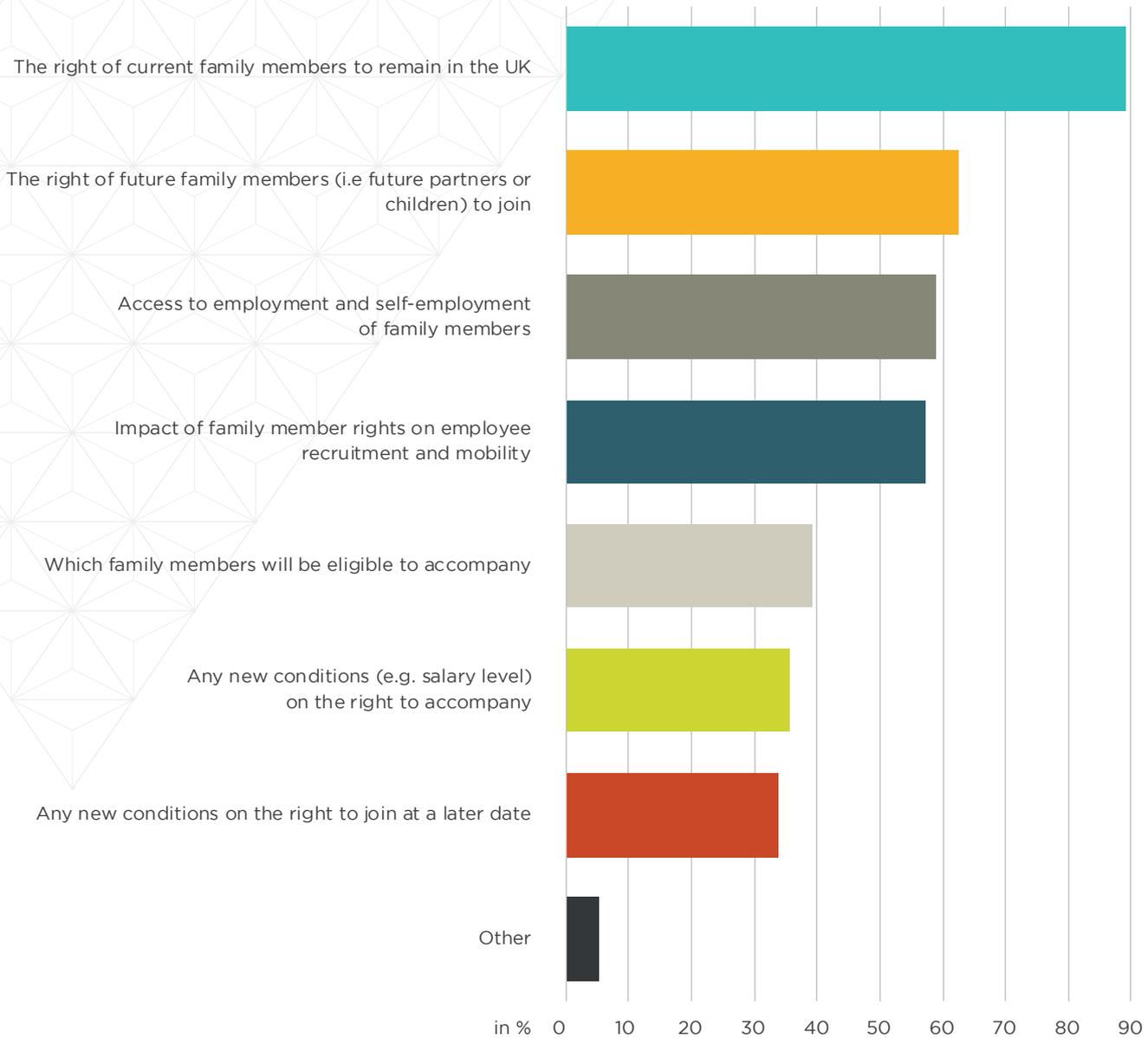


Family discussions by topic

The top four issues highlighted by a majority of employers were the right of current family members to remain in the UK (89%), the right of future family members to join (63%), access to employment and self-employment of family members (59%) and the impact on recruitment and mobility (57%). A significant proportion (34%-39%) of HR employers also cited points relating to which family members could accompany and new conditions on the right to accompany or join at a later date. A few respondents mentioned other issues including costs (for example if visas are required) and the rights of UK nationals to remain in an EU Member State.

"I found that independent support, advice and assurance is important to staff and their families. They need forums to ask questions and have those questions answered."

Q: what issues relating to family members of EU citizens have been raised?



“We will not be able to attract world class academics to the UK unless they can bring their family members and their family members can work.”

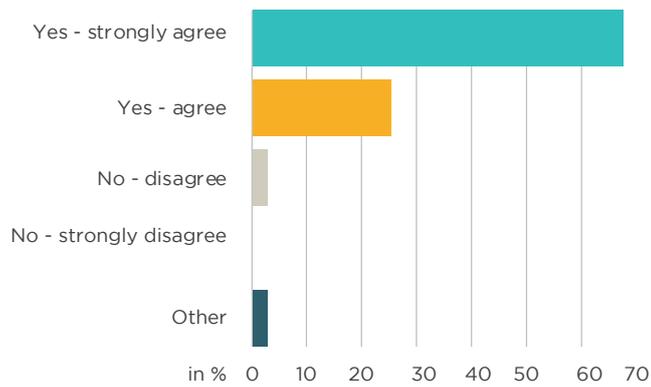
More answers needed on family questions

The fact that the majority of HR managers marked multiple issues suggests that employers and employees require further information about family members’ right to live and work in the UK.

EU citizens during transition

One of the most raised issues in HR discussions was the question of rights during the transition phase. When asked if EU citizens and their family members coming during this period should be permitted to settle, the vast majority (95%) of respondents said yes with 69% in strong agreement. As things stand, this is in line with provisions in the EU/UK negotiation agreement.

Q: Should EU citizens and family members coming during transition phase be permitted to stay and settle?



Family members - Unanimous support for access to employment

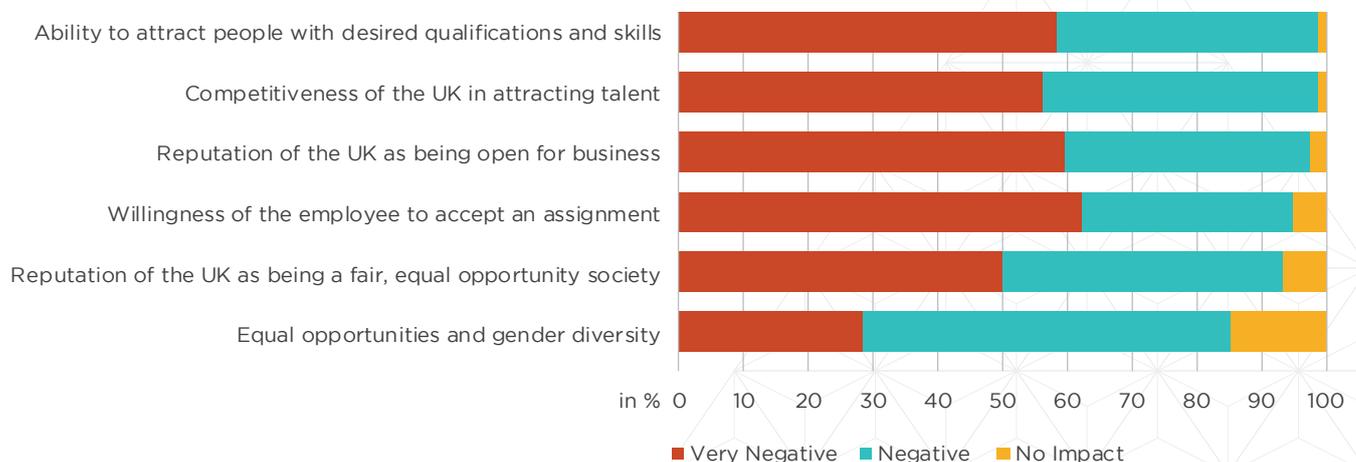
HR and mobility managers unanimously agreed (100%) that during the transition/implementation phase, spouses or partners of EU citizens coming to work in the UK should continue to have the right to access employment or self-employment. This is a resounding response from employers in favour of retaining partner work authorisation.

“It is important that family members are allowed to work.”

Negative impact if work authorisation removed

No positive outcomes were attributed to removing work access for spouses and partners of EU citizens. In fact, 99% of HR managers saw a potential negative impact on attracting talent should the EU citizen employee’s partner not be authorised to work. 97% of respondents found that there would a negative impact on the reputation of the UK as being open for business. 85% of HR managers also cited a negative impact on equal opportunities and gender diversity.

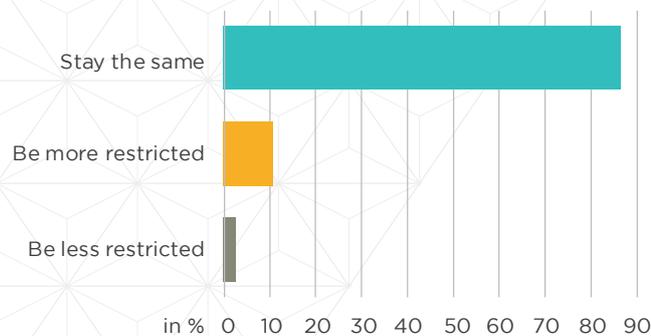
Impact if partner were not authorised to work post March 2019:



Definition of “family members”

At present under EU free movement rules, core family members are considered to be spouses and registered partners of the EU citizen, and children or grandchildren under 21 years, dependent children over 21 years and dependent parents and grandparents of the EU citizen or spouse/partner.⁷

Q: For EU citizens arriving during the transition phase, should the definition of eligible family members:



Definition should stay the same

The vast majority (86%) of HR managers said the definition should stay same. With only 11% for more and 3% for less restrictions, respondents had little appetite to change the definition of family for those arriving during the transition phase.

Further remarks on family definition

In providing further comment, some respondents highlighted that the definition of partner should include durable partners and same-sex couples.

From the Home Office

In its factsheet on EU citizens’ rights, the UK government has stated that *“the deal will allow the close family members of those protected by the agreement, who live in a different country on 31 December 2020, to reunite as a family at any time in the future. They will then be eligible to qualify for settled status. Close family members are spouses, civil partners and durable partners, dependent children and grandchildren and dependent parents and dependent grandparents.”*⁸

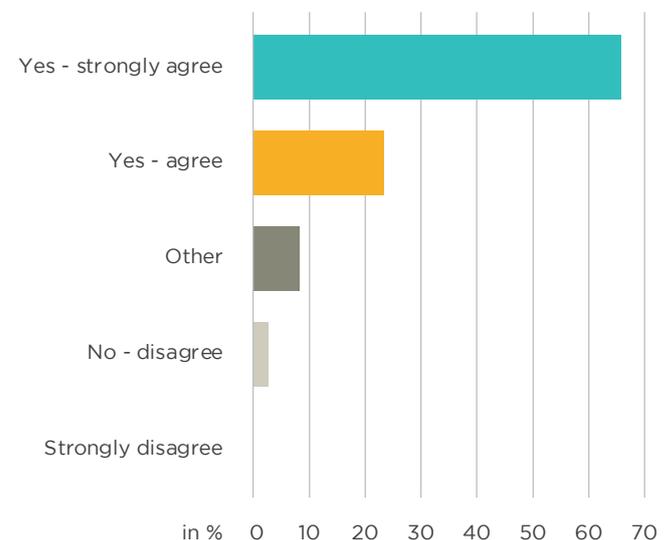
According to the draft agreement, the definition of family members is as per the free movement rules and therefore would include dependent children up to the age of 21 years.⁹

The rights of future partners

The topic of whether “future partners” should have the right to join has often been raised in the political arena but has not yet been fully resolved.

Giving their HR perspective, the vast majority (89%) of respondents said yes, future partners should have the right to join with 66% strongly in agreement. Only 3% of those surveyed disagreed and 4% mentioned that the right should be under similar rules to those in place for non-EU nationals.

Q: Should future partners have the right to join (where an EU citizen currently living in the UK forms a relationship after March 2019)?



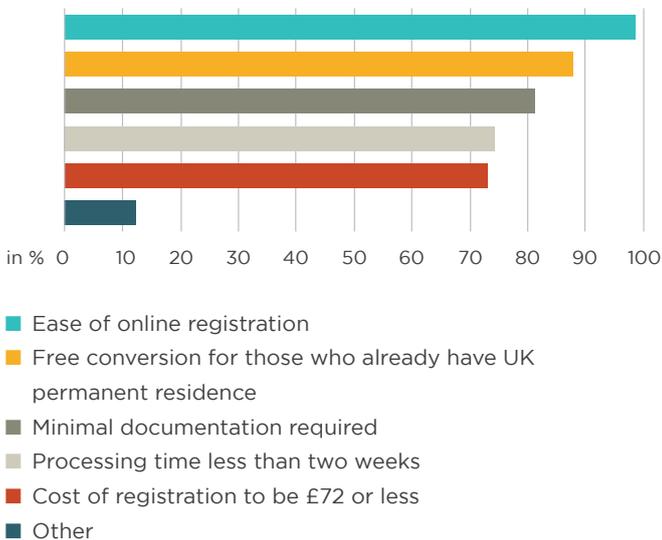
REGISTRATION PROCEDURE

The UK government is developing a registration or application system for EU citizens residing in the UK before Brexit and arriving during the transition or implementation phase. It has stated that the system will be “short, simple and user friendly” requiring a valid passport or national ID card and costing no more than a UK passport (£72 at the time of survey).

Employer expectations

Although several topics were significant for HR managers, when asked which aspects of the registration process would be most important, the top three cited were ease of filling out the online registration form (99%), free conversion for those who have already successfully applied for UK permanent residence (88%) and the requirement for minimal documentation (81%).

Q: Which aspects of the registration process are important?



Further concerns about registration

In providing further feedback, one respondent questioned what documentation might be required and whether employers would be liable if employees don't have the required documents ready or if they refuse to apply. Another emphasised that after the maximum period on temporary stay, the process for applying for settlement should also be straightforward. There was also a request for a family registration option.

From the Home Office

Assurances from the Home Office are that registration will involve a quick turn-around time of 2 weeks for “straightforward” cases.¹⁰ It is likely that the procedure will involve a photo submission, passport scan and a subsequent cross-check with records held by other government departments e.g. Her Majesty's Revenue & Customs, where applicable. A simple exchange process for a settled status document is expected “free of charge” for those already holding a valid EEA permanent residence document.⁶

“Universities are very diverse in our work as well as the people we employ. An immigration system which is user-friendly, quick and financially accessible is crucial to being able to compete internationally and to attract students from all over the world. EU staff must be recognised for the work they do and should not be discouraged from wanting to pursue careers within the UK.”

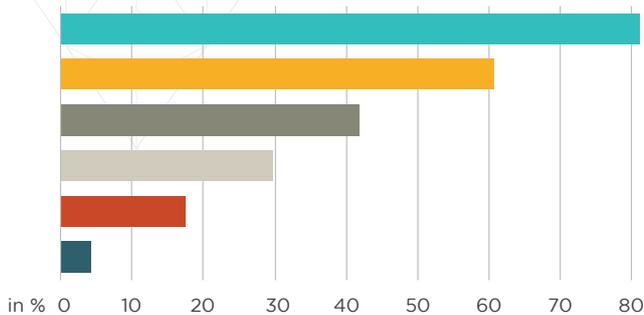
Employer Assistance

Regarding the type of assistance that employers might be willing to give in relation to the registration process, 81% of respondents felt that reimbursement of employee registration costs might be offered while 42% agreed for family members too. In difficult cases, practical assistance was prioritized over financial assistance.

In commenting further, a number of views were expressed around how financial assistance might be given and in which cases. As employers don't seem to have a firm view on this yet, HR policy around registration may need to be developed further. However, from the feedback given, respondents did seem to anticipate that employers would need to assist their staff when completing the registration form.

“We'd like to think that applications would be viewed as family applications.”

Q: Do you expect employers would provide support for any of the following?



- Reimbursement of registration cost for employee
- Practical assistance with difficult cases or appeals
- Reimbursement of registration cost for family members
- Financial assistance with difficult cases or appeals
- Other
- None of the above

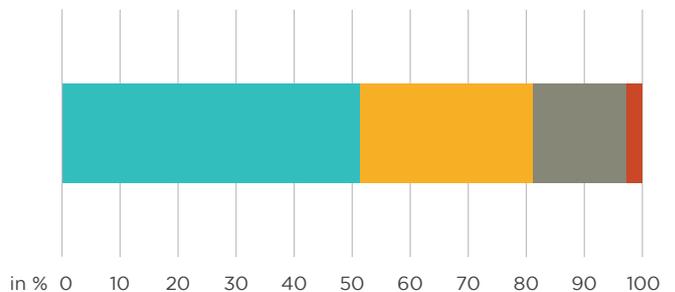
Short application process for family members

HR managers stressed the importance of short processes for family members, including where the family member is not an EU citizen. Normally, families should be able to arrive together and this should continue after Brexit.

Where family members join later than the EU citizen employee, HR managers expect that the processing time should also be short, with 51% stating up to 1 month and 30% stating up to 2 months.

“The treatment of the family through this process will have significant impact on the engagement of the employee so it is imperative that the process is simple to navigate and supportive of the family circumstance.”

Q: How long would you expect family applications to take for those joining at a later date than the EU citizen employee?



- Up to 1 month
- Up to 2 months
- Up to 3 months
- Longer than 3 months

FURTHER COMMENTS

In giving further feedback on family members during and after the transition phase, respondents re-emphasised the importance of the right to accompany and the right to work and that government should clearly state these rights. One respondent commented that the *Employer Guide to Right to Work Checks* should be updated on what documents employers are allowed to accept as proof of a family member's right to work.

Many respondents expressed concern about the ability to attract and retain talent and the resulting impact on economic competitiveness if there would be any restrictions on EU citizens' rights. One respondent cited how the Tier 2 visa programme is already oversubscribed and that this is limiting companies' ability to recruit the numbers they need.

“Essentially any measures that slow the existing process will have a negative impact on the hiring process. This will lead to UK companies having to compromise where they don't have to now and... the company will be less competitive.”

UK citizens in the EU

As details have not yet been finalised in relation to UK staff employed in other EU countries and their family members, we asked survey participants for their input on this issue.

Most respondents highlighted the need to ensure the continuation of the right to live and work in the EU and a clear, inexpensive and simple procedure. Concerns were raised about potential restrictions on freedom of movement. A few respondents felt that there was a lack of certainty or clarity about the situation and that more information was needed.

“Staff travel as part of their employment and they should be allowed to travel easily and smoothly between EU countries.”

“Early visibility on the position for EU nationals on UK contracts currently assigned out of the UK. There is a concern for UK citizens currently working within the EU and how they will be treated by their host country.”

“It is an incredibly difficult time for all. We cannot advise staff of what will happen as so much is still unknown. We would press the government to confirm the agreements for citizens' rights as soon as possible.”

CONCLUSION AND RECOMMENDATIONS

Communicating the implications of Brexit

The issue of citizens' rights has often been cited by policy makers in the run up to Brexit. Yet as the survey reveals, some aspects relating to family members' rights are still causing concern. One of the key themes that emerged is the need for better communication so that employers can prepare for Brexit and help their employees and their family members.

Based on the needs and expectations of employers, employees and family members, Permits Foundation makes the following recommendations to the Migration Advisory Committee and the Home Office:

Rights of EU citizens and their family members

- All Brexit migration policies and processes on the rights of EU citizens should be clearly communicated (including to employers) and also provide information on family members and their rights.
- **Family members should continue to have direct access to employment** and self-employment for the duration of their stay and this information should be more clearly stated to employers, EU citizen employees and their family members.
- EU citizens and family members arriving during the implementation period have been assured the right to stay and settle. To give employers and employees certainty in the event of no deal, this right should be confirmed now with no further restriction on the definition of family members.
- For EU citizens residing in the UK before 31 December 2020, close family members should have the right to join them, including where the relationship is formed at a later date. Currently the commitment only applies for relationships formed by end 2020, after which the implication is that future family members would be subject to UK rules. These include an income threshold for UK citizens.

Registration process

- Where there is a registration process it should be simple, require minimal documentation, cost no more than a passport renewal and take less than two weeks to process.
- Any application or registration process for EU citizens and family members who already have permanent residence should be simple, cost free and take less than two weeks.
- The reality of international mobility and assignments is that an employee's decision to move also takes into account the experience of family members. During registration, applicants should have the option to apply as a family unit.
- Family member applications for those separately joining EU citizen employees who arrive after March 2019 should take no longer than one month, irrespective of their nationality. And within that time, a quick notification of application receipt and any further requirements.

In the coming months, Permits Foundation will continue to monitor how these employer expectations are met. We will respond to consultations on the EU settlement scheme and we urge policy makers to take our findings into consideration in the development of UK migration policy.

REFERENCES

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³Permits Foundation survey on the impact of removing the unrestricted right of dependants to work in the UK. <https://www.permitsfoundation.com/wp-content/uploads/Permits-Foundation-submission-to-the-MAC-on-Tier-2-dependants.pdf>

⁴Joint report from the negotiators of the European Union and the United Kingdom Government on progress during phase 1 of negotiations under Article 50 TEU on the United Kingdom's orderly withdrawal from the European Union. https://ec.europa.eu/commission/sites/beta-political/files/joint_report.pdf

⁵Letter from UK Home Secretary Sajid Javid To The European Parliament Brexit Coordinator Guy Verhofstadt. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707817/180515_Response_to_Guy_Verhofstadt_Letter_FINAL.pdf

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Note:

Where we mention Brexit discussions, this is based on publicly available information up to 22 June 2018.

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About Permits Foundation

Permits Foundation is an independent, not-for-profit corporate initiative to support international mobility by promoting work authorisation for expatriate spouses and partners worldwide. The foundation raises awareness of international best practice regulations and advocates change through focused representations to governments. Our survey reports and other resources are available on the Permits Foundation website www.permitsfoundation.com

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