

Brexit's Britain: Addressing Related Mobility Challenges

Strategies for managing
compliance, social and
economic complexities in a
post-Brexit United Kingdom
and European Union

Concerns over immigration was one of the drivers that led a majority (52%) of United Kingdom (UK) voters to pull the lever in favour of Brexit in 2016, and for corporate mobility managers, immigration remains a priority challenge today. When the UK split from the European Union (EU) in 2020, the move set off a chain of financial, regulatory, social and economic impacts that are still being sorted out today.

Those impacts include new restrictions on movement of UK nationals within EU Member States, and new immigration requirements for companies sending EU citizens to work in the UK. In today's post-Brexit world, UK nationals who wish to work in the EU, even for short-term assignments, may need to apply for visas and work permits. These changes have created uncertainty about the regulations companies must meet for EU and UK nationals to work in the UK and EU, respectively.

Amid resulting internal challenges and uncertainty, the good news for mobility managers and HR teams tasked with navigating the complexities of cross-border assignments in a post-Brexit world is that UK and EU government officials are working to resolve the issues – and there are resources available to help understand the changes, guide assignments and ensure compliance in the meantime. As we saw at Graebel's recent [insideMOBILITY Global Leaders: Post-Brexit Immigration Panel](#) in London, global organisations and the UK government are working together to find the positive and pave the way for easier corporate mobility in the future.

What are the challenges for companies trying to facilitate UK-EU talent mobility, and what insights are available for mobility managers tasked with navigating these challenges? Our panel discussion featured two UK government officials, a member of Parliament, a European business leader, a Graebel supplier partner, an embassy representative and a Graebel client-services leader, and offered insights into the current post-Brexit immigration environment and recommendations on how to address these challenges.

Post-Brexit Mobility Issues and Impacts

Here are the main challenges creating confusion for companies looking to move employees, no matter the length of time, between the UK and EU Member States:

New EU rules for UK nationals

What is the situation? Among other benefits, EU citizens enjoy freedom of movement within the union, meaning they can travel and work in EU Member Countries without needing visas or work permits. Now that the



UK has withdrawn from the EU, UK nationals may need to obtain visas and work permits to work in EU Member Countries. While applying for visas and work permits may not sound all that complicated (and not that exciting), there are 27 Member Countries in the EU, each with their own immigration regulations and compliance standards. That means mobility managers sending UK nationals to the EU must address 27 different sets of standards and processes.



On top of the variety of immigration policies mobility managers must interpret for each EU country, here are five factors that create added challenges:

- **Visa option complexity** – For each of the EU's 27 Member Countries, there are a multitude of visa options depending on the length of the assignment — long-term versus short-term work visas — and on the skillset of the mobile employee. This results in dozens of visa application options for each country — skilled worker visas, service supplier visas, seasonal workers visas and many more. Mobility professionals facilitating assignments must sort through a complex matrix of visa possibilities for each mobile employee headed to the EU.

- **Schengen visa and UK General Data Protection Regulation rules** – UK nationals can travel to the Schengen area — a zone of 27 European countries, some of which are EU members and some of which are not — without a visa for up to 90 days per stay within any 180-day window for a limited number of business-related activities. Post-Brexit, British nationals remain exempt from obtaining a Schengen visa, however, they still need to adhere to the rule. But here is the catch: this visa waiver also covers travel for tourism. Mobility managers can track information about an employee's business travel easily with the EU short-stay calculator but tracking personal travel requires a bit more consideration. Under the UK General Data Protection Regulation (GDPR), you must meet one of six lawful bases to process personal data, which include consent and legitimate interests. For example, if foreign travel is written into an employee's contract, employers may have a 'legitimate interest' in confirming the number of days an employee has spent in the EU to be compliant with UK GDPR and EU visa-free travel rules. However, mobility professionals must be careful not to gather any more information than is necessary, sticking only to information that is required to determine whether the Schengen travel allowance might be breached – and keeping that information only as long as is necessary. Holding details about past/historical employee travel may or may not be appropriate, depending on the individual circumstances. It is best to evaluate the need for gathering personal data – along with the type and amount – on a case-by-case basis. In addition, the EU has its own GDPR, so mobility professionals must also consider those regulations.

- **EU Posted Workers Directive** – The EU Posted Workers Directive requires companies with employees sent to an EU Member State for short-term assignments to meet host country minimum employment terms and conditions. Since January 2021, freedom of movement principles in the EU and European Economic Area (EEA) no longer apply to UK nationals, therefore the concept of UK nationals as 'posted workers' also no longer applies. Entry of UK nationals into the EU for business or contractual purposes is now facilitated by domestic immigration systems, which may increase mobility costs. For example, to obtain a Netherlands work permit, the inbound assignee must be a Netherlands resident for six months, so companies must pay for six months of rent before the employee can even start their work assignment.
- **European Travel Information and Authorisation System** – In November 2023, the European Commission will roll out a new electronic travel authorisation system for visitors from non-EU countries, including the UK, called the European Travel Information and Authorisation System (ETIAS). ETIAS will digitally screen and track travellers entering and leaving EU countries. While it may help mobility professionals charged with business travel tracking, this will be another new immigration system for mobility professionals to learn about and manage. ETIAS is expected to create high immigration volumes at EU airports, as inbound UK nationals will need to register their biometrics on arrival in an EU Member State.
- **Exceptions and nuances** – There are exceptions and nuances for mobility managers to address. For example, one UK employer on the insideMOBILITY panel, who sends employees to the EU for short-term installation work, believed these employees needed to apply for visas and work permits. However, a UK government panellist clarified that under the UK-EU Trade and Cooperation Agreement (TCA), work permits may not be required for certain installation projects if the activity conforms with the TCA's Short-term Business Visitor provisions — although visas may still be needed. This is one example of the additional research and information-gathering needed to understand what is and is not required for a UK employee to relocate or conduct business within the EU.



What does this mean for global companies?

Businesses have reported that rules for cross-border talent mobility remain unclear; there is no one resource for global companies needing insights on how to relocate an employee from, say, London to Bruges, making it a time-intensive task for mobility professionals and costly for UK employers. Mobility professionals are already being asked to do more with less, including managing business travel. It is tough for mobility managers to stay on top of it all — making it nearly impossible for them to become the immigration experts companies need to remain in compliance.

As a result, many companies outsource pre-assessment of assignments to their relocation management company's third-party experts, who look into compliance considerations. These experts look at the entirety of the relocation process, including visa applications and renewals, work permits, tax considerations, etc. As an alternative, one of the insideMOBILITY panellists said his company set up an internal visa and immigration team to manage the nuances of post-Brexit mobility. Larger companies that can afford the cost are using these options to prevent the reputational and financial repercussions of non-compliance.

But what about smaller companies that cannot afford the added cost of working with a supplier partner to determine immigration regulations? They must explore easier, low-cost options, such as automating the flow of information and setting up technology solutions that reduce manual input and administrative work. Some companies are opting to not move forward with shorter-term relocations, as the outsourcing of pre-assessment is cost prohibitive for them. Some employees are electing not to relocate, as the uncertainties present a risk they are not willing to take, for themselves or their families. That puts smaller companies at a disadvantage for attracting and retaining talent, as today's employees are seeking jobs that give them corporate relocation opportunities. To help simplify the additional administrative work many companies have had to undertake to adapt to the new travel rules, the UK government has published enhanced guidance on Member State visa and work permit requirements. The guidance outlines rules on short-term and long-



term stays, the documents required, eligibility criteria and links to relevant Member State government websites.

For mobile employees in the EU who are travelling under Schengen rules, challenges associated with tracking personal travel could result in mobile employees exceeding the prescribed limit and getting stuck in a Schengen country, unable to return home or go on to another assignment. Mobility managers will be tasked with finding a solution to getting mobile employees where they need to be — adding one more thing to their already-full plates. To get ahead of this scenario, companies should encourage employees to share personal travel information voluntarily, explain how the information will be used and protected and highlight the potential repercussions of non-compliance with Schengen visa rules.

Lack of clarity on UK immigration rules

What is the situation? The withdrawal of a country from the EU is unprecedented and leaves many legal, economic, security and other issues to be resolved. This process remains a work in progress, more than two years after the Brexit decision.

Here are four challenges EU nationals face when trying to work in the UK:

- **Calls for easing of mobility** – Immigration remains a hot button issue in the UK and there have been calls from business to ease inbound mobility requirements, which impact talent opportunities. Media coverage and public discourse on the issue may create the impression that the UK is not a welcoming place for foreign nationals looking for work; in fact, many working EU nationals left the UK post-Brexit, saying they no longer felt welcome. While the government can legitimately claim that public perception is misaligned with reality, given the fact that immigration is at an all-time high, perception nonetheless matters. Until public opinion on the receptiveness of the UK to mobility is addressed, mobility teams will have to work harder to convince businesses and mobile employees to work in the UK.
- **Prioritisation of highly skilled workers** – Post-Brexit immigration policies were designed consciously to facilitate the entry of highly skilled workers. However, while the UK's arrangements for skilled workers are subject to a lower skills threshold than applied to non-EU workers pre-Brexit, some sectors believe the system still does not align with the staffing needs of companies in the UK. For example,



the country faces a shortage of hospitality workers, but, because they are not deemed highly skilled, visa and immigration processes for hospitality workers were not prioritised. This is one example of how different skill sets can influence the application process.

- **Challenges of adapting to new rules** – Some EU-based companies are experiencing challenges with adapting to the UK's immigration system when moving mobile employees to the UK. For example, some business activities — including consulting, auditing, business meetings and pitching deals — do not require a work visa for up to six months, but other types of work do. Likewise, some industries are prioritised, benefitting from visa routes for their staff, while others do not. For instance, journalists and frontier workers are entitled to special visa systems in the EU, while engineers are not. As a result, mobile employees in categories that are not favoured have a harder time, as they remain limited to the Schengen visa's 90/180-day rule. As with navigating the various EU Member States' immigration systems, this creates more administrative work and red tape that makes the immigration process longer and more costly. *(For a full list of business activities that do not require a visa for up to six months, see the resources section at the end of this paper.)*

- **Digitisation of UK borders** – Inbound EU nationals will need to understand efforts to digitise the UK's borders by 2025, including:



- **Electronic Travel Authorisation:** In the next year or two, the UK will roll out Electronic Travel Authorisation (ETA), a British entry permit document that allows travellers from eligible nations — including many EEA Member States — to visit the UK without needing a visa. Once implemented, eligible passport holders travelling to the UK for business purposes will need an ETA and to apply online for permission to enter the UK before travelling. The goal of the programme is to conduct security checks and gather necessary information earlier, to enable more informed decisions as to whether individuals should be allowed to travel in the UK. However, there is little clarity today about the ETA, because there has been no public awareness campaign about it. Until more is shared, mobility professionals should anticipate mobile employees facing delays in airports dealing with ETA issues, once it is in effect.
- **eGates:** Currently, there are 270 eGates across 15 air and rail ports in the UK, which are automated self-service options using biometrics

to confirm a passport holder's identity against the data stored in the chip in their biometric passport. It provides an alternate option for entering the UK, rather than getting a passport stamped at immigration by a Border Force officer. Employees entering the UK via the eGates system may not be aware of the date they are supposed to leave, which is typically stamped on their passport or verbally communicated when entering the country via an interaction with a Border Force officer, creating a risk they may overstay their visas.

What does this mean for global companies? Businesses report that uncertainties around immigration requirements, administrative challenges, added business costs and the perception that the nation is less friendly to immigrants has made the UK seem less attractive for EU companies and discouraged inbound mobility. For a country that has historically been seen as an entry point to Europe and as a platform for an international career, the change in reputation could have severe consequences.

Global organisations may begin looking for other, easier places to send their employees — or employees will ask for relocation opportunities to other countries, creating a vacuum of UK economic and career development opportunities. The challenge for the UK government and businesses in the years ahead will be to find the balance between establishing immigration regulations that meet government's policy goals and creating an environment that is hospitable to foreign workers and businesses, to support the country's economic health at a time when economic stability and costs are under pressure.

Moving Forward Together

If your head is reeling from all the layers of immigration challenges in a post-Brexit world, you are not alone in searching for a path forward. These recommendations and resources can help mobility managers, HR teams and global organisations to better understand the nuances of UK and EU immigration regulations and stay up to date on changing policies.

- **Information-sharing and clear communication –**

When there are so many moving parts that are constantly changing, getting current information and sharing it with relevant parties is crucial. Graebel's immigration supplier partners are experts at navigating the evolving post-Brexit immigration landscape, and Graebel account managers communicate those changes immediately to impacted mobility teams who, in turn, can relay that information to their mobile employees and executives. For companies who do not have relocation management partnerships, there are public resources available to help — see below for a list of places to start.



- **Internal expectation setting** – It is important that everyone from mobile employees to executives have a clear understanding of some of the post-Brexit immigration challenges and their impact on both the relocation process and the bottom line. By clearly explaining that relocations and work assignments in the UK and EU will take longer to organise and execute and will be more complicated — and may cost more, due to outsourcing some services and complying with work permit and visa requirements — key company stakeholders will know what they are facing and can manage their expectations accordingly.

- **Public discourse and partnerships** – As the UK and EU governments build a new trading relationship following the UK's withdrawal from the EU, it is important that global organisations' voices are heard, to ensure any future changes to immigration systems take business needs into account. That was the intent with Graebel's insideMOBILITY panel discussion – to create a forum for global organisations and the UK government to discuss the challenges at hand, share information to provide clarity on regulations and exchange stories on what strategies companies have tried and what has been working. UK government representative panellists acknowledged businesses' concerns about the lack of clarity on new immigration rules and highlighted steps it has taken to provide clear information that will reduce the administrative burden of complying with regulations, including:

- Adding guidance on the EU Member State immigrations systems to the GOV.UK website, post-Brexit, to address stakeholder feedback. While it is not immigration legal advice, the guidance provides more clarity on the Member State immigration rules, which will give mobility managers a centralised resource to reference.
- Discussing the challenges companies have reported with the EU at the most recent UK-EU Trade Specialised Committee on Services, Investment and Digital Trade. The government has committed to encouraging conversations with the EU and its authorities to ensure the two entities' guidance reflects the needs of stakeholders.



- Making improvements to guidance on the UK's immigration system over the last three years, based on stakeholder feedback, to ensure the rules and regulations are as easy to understand as possible.

During the panel discussion, UK government representatives encouraged businesses to provide feedback that will help the government ensure information is clear and accessible. Global companies that have an interest in the new immigration rules should get involved with the community of mobility professionals who are working with the government to create more clarity and information-sharing.

While the post-Brexit immigration situation may seem daunting, keep in mind that everyone is in the same position; all global companies, mobility managers and relocation management companies are navigating the same challenges and trying to find solutions. The good news is that if the mobility community works together to obtain and share credible information, the path forward will become clearer.

It is also important to keep this topic top of mind over the next couple years, as changes and challenges are likely to continue throughout 2023 and beyond. But as companies and governments better align and communicate, and as technology catches up to companies' needs, solutions will emerge that will help everyone address the challenges more easily.



If you are struggling to figure out UK and EU immigration needs for your mobile employees, visit our [Contact Us](#) page or reach out to your Graebel representative.

Resources

The information provided at the links below are for guidance purposes only and do not constitute legal advice:

- [More detailed information on the Trade and Cooperation Agreement](#)
- [Guidance on the visa and work permit requirements of EU Member States](#)
- [The most up to date information on travelling to EU Member States published by the Foreign, Commonwealth and Development Office](#)
- [Further guidance on travelling to the EU for business](#)
- [Information about entry requirements for UK nationals intending to work or provide a service in an EU Member State](#)
- [Full UK entry and eligibility requirements \(for the Standard Visitor route\)](#)
- [Guidance on the visa routes available to work in the UK, including the Global Business Mobility routes that were launched in April 2022](#)
- ["Check if you need a visa" tool on GOV.UK to see if you need a visa to come to the UK to visit, study or work](#)
- [Information on UK sponsorship requirements](#)
- [List of business activities EU, EEA and Swiss citizens undertake to travel to the UK for short stays up to six months without a visa](#)
- [UK's Electronic Travel Authorization homepage](#)
- [European Travel Information and Authorization System homepage](#)