

Business Visitors After Brexit

Immigration Impacts Explained



Q&A REPORT

Have questions not covered here? Reach out to your dedicated Newland Chase contact. Don't have one? [Contact us](#) to schedule your UK Sponsor Licence consultation with one of our experts. [Watch this webinar on-demand](#)



Has there been any clarity on how immigration borders will be managed? Will EU nationals be able to continue using eGates?

From a UK perspective, EU, EEA and Swiss citizens are able to use automatic eGates at dedicated airports so long as a biometric symbol is on the cover of their passport and aged 12 or over. It is understood that there will be no routine immigration controls on journeys within the Common Travel Area (United Kingdom, Ireland, the Isle of Man, and the Channel Islands), with none on the land border between Northern Ireland and Ireland.

From an EU perspective, UK nationals cannot longer use eGates but individual member states may authorise the use of eGates upon exit under certain conditions. UK nationals will be subject to the Entry Exit System (EEA) to be implemented in the first half of 2022. This new entry and exit system will make use of eGates possible and will eradicate the need to stamp passports.



Will different entry processes apply for those with EU Settled Status (EUSS) vs. those arriving after 1 January 2021 to the UK?

Whilst EU, EEA and Swiss citizens without EUSS status arriving in the UK from 1 January 2021 will be able to continue to rely upon their national ID card until 1 October 2021, those with EUSS status may continue to rely upon their national ID card to enter the UK until 31 December 2025.



Do you think the minimum UK salary will be reviewed again, as some 'Key Workers' are not paid £25,600?

We are not aware that this will be changed in the near future. The new rules allow for certain situations where an applicant may be on a salary below the required minimum salary threshold (but no less than £20,480) but able to 'trade' characteristics to make up the shortfall - if they can demonstrate that they have a job offer in a specific shortage occupation (e.g. a nurse), as designated by the MAC, or that they have a PhD relevant to the job. In effect, applicants will be able to 'trade' characteristics such as their specific job offer and qualifications against a salary lower than the minimum salary or the 'going rate' in their field.



What happens to workers living in the UK but working as a frontier worker in the EU? Is there a new process, or would it be country specific?

If the person has their employment contract in the EU country to where they commute, then in principle this person should qualify for the protection under the Withdrawal Agreement.

Exact eligibility requirements and processes vary by EU country, so whether or not the person would qualify for this and if so, how to obtain the protected status should be assessed on a case-by-case basis.



Are the restrictions on EU-UK business travellers likely to be reciprocated for UK business travellers to the EU?

The EU-UK Trade and Cooperation Agreement approved on 24 December provides for a common list of permitted activities on business travel in each other territory. However, not all EU member states have agreed to all these activities; furthermore, activities may be interpreted differently depending on the EU country.



Where can I find out what the definition of permitted work is for other countries such as Norway or Netherlands for UK nationals travelling to these countries, post 31 December?

Some countries have this information on government websites (e.g. on consular websites), but many only have such details in their laws and regulations, or do not have a specific list of allowed activities on business status at all.

In case you have any doubts if your activities may fall under business or work, we would advise to have activities that are being carried out by your business travellers assessed prior to the end of the transition period towards both national legislation and the trade agreement.



Is there any registration requirement for business meetings?

The Posted Worker Notification should not be required if only genuine business meetings (with the current exception of Ireland), unless, in some countries, they take place for an extended period of time.

However, for those (also UK) business travellers who are employed in the EU and travelling to another EU country, a social security certificate coverage may also need to be obtained.



Has the UK implemented Posted Worker Notifications?

No. However, currently PWNs are required for people employed in the UK who are posted (for short or long periods) to the EU or Iceland. After 31 December, in about half of the EU countries, the PWN will still be required for postings from the UK.



Which PWD requirements are meant?

For short termworking activities, the four pillars of Posted Worker Compliance which may apply are:

- Meeting host country core working conditions
- The Posted Worker Notification (PWN) - to be filed prior to the start of posting
- Record-keeping duties
- Appointing a liaison person in the host country



Every time a British national enters the Schengen Area, do they need to have proof of medical insurance, funds, itinerary etc?

Yes. These documents may be asked to be shown by the border control officer at time of entry to the Schengen Area.



What is the interpretation of "90-days-in-180"? Is it a rolling 180 days, i.e. looking back 180 days on each entry to the Schengen Area or does it reset after a period of absence?

The 180 days is a rolling period, which means that on any day you need to look back at the previous 180 days (including that day) and determine if this day will bring you beyond the allowed 90 days. Any stay in any Schengen country without holding a residence permit (or the equivalent national long stay D visa) for the country of stay will count towards this allowed 90 days.

This includes stay for tourism, business or short-term work (with a work permit or on work permit exempt status, but without a residence permit).



Does ETIAS track entry in/out each time or is it just a one-off application covering the three years? If tracking occurs, does the passport holder have a login to the system to be able to track their maximum 90 days per 180 stay, or is this system only accessible by the authorities?

No, ETIAS does not track your stay. It is a security check, which facilitates your entry to the Schengen Area. As a traveller you do not have access to the information the authorities have on file with regards to the length of stay. You will need to track this for yourself.



If I travel to different Schengen countries in a 180-day period and I have been, for example, in Spain for 21 days within this period, will I only then be able to go 69 days within the Schengen Area for the remainder of this period?

Correct. The allowed number of days is calculated by the Schengen Area as a whole, not by country.



If a business visitor will not be undertaking a work placement, but *will* be undertaking technical skills training seminar provided by the company, does this qualify as a permissible activity?

Work-related training delivered by a UK company/organisation to an individual employed overseas is permitted however it must:

- be in work practices and techniques that are not available in the visitor's home country
- typically, be class-room based or involve familiarisation or observation (practical training is allowed provided it does not amount to 'training on the job' or the person filling a role
- typically, be for less than one month - if the visitor requests longer, questions will be asked about who will be covering their work overseas and whether their training activities actually amount to taking employment in the UK



Is there any link to EU work authorisation procedures?

There is no general link to all the processes. Each country has its own websites with information, which may or may not provide clear guidance on the processes. We advise to consult with an immigration provider (such as Newland Chase) to determine which processes may be applicable to your organisation.



Is it planned that in future the UK will implement a PWD Tool for business travelers?

The UK has not adopted the PWN requirement when it was still in the EU and to our knowledge has no plans to implement something like it now.



Please could you go into detail on the Cross-Border Commuters Protection?

In principal any UK national who has their employment contract in an EU country while living in another EU country or the UK and regular commutes between those two countries may fall under this protection. Exact requirements and processes vary by country.



Where are the most reliable places to look for EU country-specific processes for business visitors / short term assignments?

We advise you to reach out to your dedicated Newland Chase contact. Don't have one? [Contact us.](#)



Can employees on Tier 2 ICT visas transfer over to the new visa category without the cooling off period applying?

Yes, Tier 2 ICT migrants are able to switch into Skilled Worker, and such an action will not be subject to a cooling-off period.



Can an EU national trainer based in the EU travel to the UK on a Business Visa to be upskilled on an area of training which may require them to practise delivering the training in order to be accredited?

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Would a company credit card be seen as a proof of financial means for the duration of a stay or would we need a letter or similar from the company to guarantee financial means?

There is no specified evidence for establishing access to sufficient funds but given the nature of credit, this may not be robust - typically, guarantees from the inviting company tends to be preferable. Each case must be assessed on merits.



What is acceptable proof of sickness insurance?

Usually this requirement is covered by travel insurance which includes coverage for medical costs. There are some specific requirements to be met, such as it to cover the whole of the Schengen Area (if travelling to a Schengen country), and coverage including (but not be limited to) repatriation.



Is it an employer's responsibility to track personal/holiday leave where a colleague may travel to the EU, or is it the individual's responsibility to keep a track of this alongside their business travel?

It is the individual's responsibility. However, obviously the employer has an invested interest in this to be done properly, since not keeping proper track of it will have a negative impact on the possibility to travel. Any period of time spent by an individual working in the EU without a prior work permit may lead to a breach of compliance by the employer too.



We have two Europe-based workers who deliver customer facing services for us in the UK regularly. One is a permanent member of staff in our UK business, one is a limited company contractor. Can both register as frontier workers?

Frontier worker status is available for those individuals working in the UK but living overseas on or before 31 December 2020.



How different is the situation if your employer is a non-profit organisation?

There may be specific work permit exemptions that are targeted at such employees in some countries.

This white paper was prepared by Newland Chase.

With an increasingly mobile workforce, a UK Sponsor Licence is a key tool to attracting and retaining top global talent, and Newland Chase anticipates that the UK authorities will see a surge of licence activity in the coming months. We are on hand to assist businesses in getting a head start on preparing for these changes. [Schedule a tailored UK Sponsor Licence evaluation for your business.](#)

The requirements have changed for UK Nationals working in the EU. [Contact us](#) to schedule a consultation to learn how we can support your business after Brexit and keep up-to-date with the latest Brexit travel and immigration updates, live and on-demand webinars, and white papers, Q&A and guides on our dedicated online resource – [Brexit and Immigration: What You Need to Know.](#)

This publication is not intended as a substitute for legal advice. Readers are reminded that immigration laws are subject to change. We are not responsible for any loss arising from reliance on this publication. Please contact Newland Chase should you require any additional clarification or case-specific advice.

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