

Broadcast

Plan now for life after Brexit

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If you employ EU nationals, here's what you need to know, writes Nick Hobson



Brexit is fast approaching and it will mean changes in how producers work with and gain access to Europe.

The mobility of employees and talent throughout Europe (and the world) is key in television, and will be the cause of greatest concern for independent producers.

In the past year, the Home Office has set out plans for transitioning EU nationals into UK domestic immigration law following the UK's withdrawal from the EU in March 2019.

White papers and guidance have been published, with the most relevant for employers being an EU settlement scheme employer toolkit published in July and EU settlement scheme caseworker guidance published a month later.

The proposals reveal EU nationals who legally enter the UK prior to 29 March 2019 can remain but must make an application to evidence their right to live and work in the UK.

Those who have been resident in the UK for five years can stay indefinitely by applying for 'settled status'. Those EU nationals who entered before 29 March 2019 but haven't been in the country for five years will need to apply for 'pre-settled status' until they reach the half-decade mark, after which they can apply for settled status.

Application fees are modest and unlikely to cause producers stress. The application process launched on a phased basis two weeks ago (for some students and NHS workers) and is intended to be fully operational for all applicants – including TV employees – by March 2019. A grace period until June 2021 for either status is planned.

Helpfully, you can apply through an app, so applicants don't need to send original documents to the Home Office – a significant departure from the traditional approach.

It is currently proposed that EU nationals who arrive in the UK after Brexit during the 'transition period' between 29 March 2019 and 31 December 2020 will also be able to live and work in the UK but will be required to register within three months of arrival, though this process hasn't been announced.

EU nationals who arrive after the end of the transition period in 2021 will not automatically be eligible to apply for settled status, and their future will depend on the immigration arrangements to be announced.

This could have an impact on production staffing levels – we will know more after a report from the Migration Advisory Committee on the future arrangements is published later this month.

It's important to note that although the UK and EU have agreed arrangements in principle for EU nationals already in the UK, the UK hasn't yet done so with member states of the wider European Economic Area (EEA), including Norway, Iceland and Lichtenstein, or Switzerland.

In addition, EU member states haven't announced the application processes for UK nationals living in EU countries. The next step is to identify if EEA nationals in your organisation are working in the UK and if UK nationals are working elsewhere in the EEA – check when employees first arrived.

Employers should decide how to support applications and how much they are able to invest in the process. They should also review long-term recruitment and identify projects to be completed in the UK with the assistance of EEA nationals, or in the EEA with the support of UK nationals.

Employers should then plan employee communications, provide information to employees on the proposed changes, communicate key deadlines and advise on what needs to be done and when.

KEY POINTS

- Familiarise yourself with published guidance on EU nationals' status in post-Brexit Britain.
 - Ready applications for all EU staff.
 - Review recruitment and filming plans for upcoming productions.
 - Communicate changes and actions with staff.
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- **Nick Hobson is a partner at law firm Morgan Lewis**