

Brexit: Frontier Workers 2021

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Background

Following the UK's divorce from the EU, considerable changes have been made to the rules relating to employing migrant workers. The changes have, and will, affect organisations that depend on migrant workers to meet relatively low-skilled work functions; a challenge which traverses a variety of sectors such as Warehousing, Logistics, Agriculture, Care, Food Production and across other manufacturing.

Accredited to In January 2021, the UK ended free movement in favour of a points-based immigration system, skewed largely towards attracting high-skilled workers, those with specialist skill sets and students.

This new points-based system virtually ignores the provisions, and country's need, for low-skilled and temporary workers.

However, hope is on the horizon when it comes to utilising Frontier Workers.

The UK government introduced a vital new permit on December 11 2020 which will enable those EU/EEA Citizens who have previously worked in the UK, to continue to do so for a further 5 years and then renew their right to work on an ongoing basis

This Frontier Worker Permit has a free application process, is open to ALL worker types and allows the holder to work in the UK for up to 6 months a year.

Partnering with RE Recruitment enables focus on flexible, innovative resource solutions such as this and these elements strongly reinforce our Guiding Principles around which the business has grown and flourished. We have access to a large labour pool and this scheme will help resolve and short-term labour shortages.

This White Paper aims to furnish you with the relevant information required to navigate the new rules relating to Frontier Workers and how we can help you secure sustainable resource solutions post-Brexit.



Frontier Workers

A definition [The Citizen's Rights (Frontier Workers) (EU Exit) Regulations 2020]

A frontier worker is defined as an EU/EEA or Swiss citizen, employed or self-employed in the UK, although is non-resident ("not primarily resident"). Frontier workers working in the UK on or before 11pm (GMT) on 31 December 2020 can still enter the UK for work but must hold a Frontier Worker Permit to enter the UK for work from 1 July 2021.

Irish citizens' rights are protected under the [Common Travel Area](#) and do not need a permit, but can choose to. British citizens cannot apply (this includes dual citizenship).

As information on this route of access was only available on 11th December 2020, it is highly likely that numerous EU/EEA citizens may have applied for EU Settled Status when a Frontier Worker Permit would have met their requirements.

Therefore, those Labour providers who hire EEA citizens, for example for seasonal work, must ensure that the current workforce and those that worked in 2020 know about this option and how to apply.

Frontier Work Permit

The free permit can be applied for [online](#) and there is no deadline, although from 1 July 2021 onwards the worker must have a valid frontier worker permit and valid passport or national identity card to enter the UK. Until this date, workers can continue to enter the UK with a passport or national identity card.

Permits last for up to 5 years and can be renewed allowing an enduring right to work in the UK for those EEA workers who are not resident and thus not eligible for pre-settled or settled status under the EU Settlement Scheme.

Eligible frontier workers will have the right to work in the UK in any job type, including self-employment, for less than 180 days a year. No language, hours, salary or sponsorship requirements exist to qualify.

Moreover, frontier workers will continue to have the right to apply for benefits and services, including NHS healthcare, as before Brexit.



Eligibility

If EEA citizens have not worked in the UK before 31 December 2020, they are not eligible for a Frontier Workers Permit and must apply for a [visa](#).

To be classed as living 'primarily' outside of the UK and thus eligible:

- Workers must have spent less than a total of 180 days in the UK over 12 months
- If they have spent over 180 days in the UK, over 12 months, then they might still be eligible if they have returned to their country of residence at least once per 6 months or twice in the 12 month period
- Exceptional circumstances may apply if they could not return to their country of residence during this period, such as an accident or illness.

When further assessing eligibility, workers must have:

- Started working (employed or self-employed) in the UK while living elsewhere on or before 31 December 2020
- Worked in the UK at least once every 12 months since starting to work in the UK. On assessing the residency requirement, the Home Office will not consider periods prior to 1 January 2020
- A '[genuine and effective](#)' reason to work in the UK, meaning more than one-off, small tasks e.g. a competition, interview, audition or contract signing.

Workers may still be eligible for a permit via 'retained worker' or 'retained self-employed' status, if during their time in the UK they were not working, as they were:

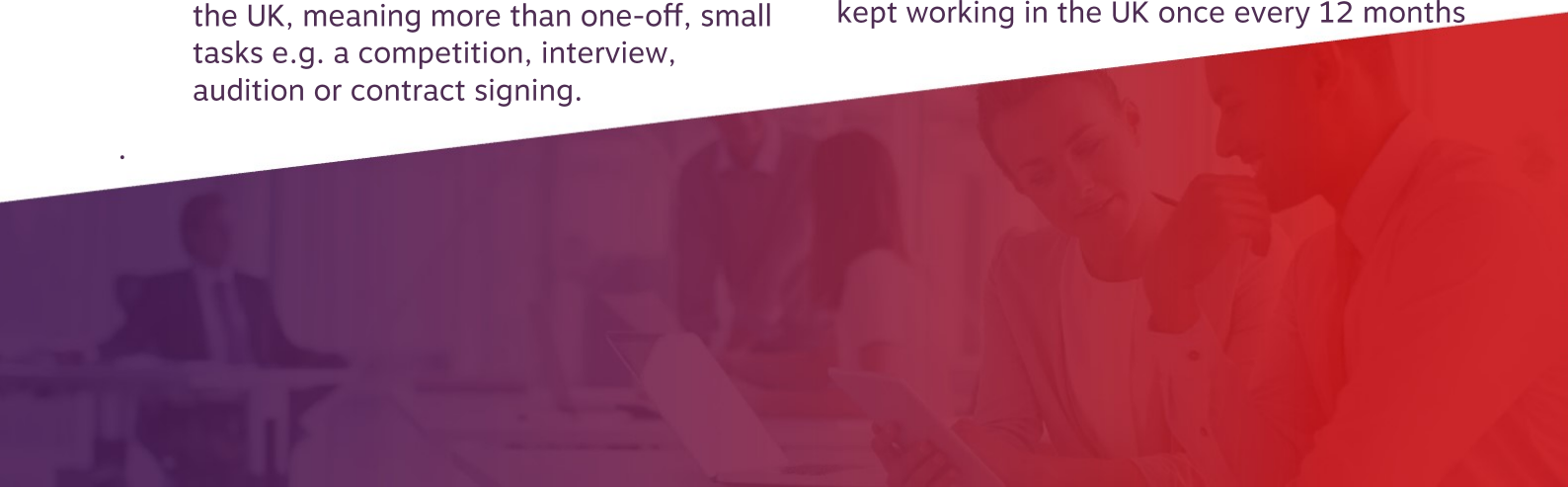
- Temporarily unable to work because of an illness, accident, pregnancy or had given birth
- Involuntarily unemployed, and looking for work or doing vocational training
- Voluntarily unemployed, and doing vocational training related to their last occupation
- Unable to travel to the UK to work due to coronavirus (COVID-19)

Criteria – all elements to be satisfied:

Must be from EU, Switzerland, Norway, Iceland or Liechtenstein

Must live outside of the UK

Since starting to work in the UK, must have kept working in the UK once every 12 months





Applying for permits

Applicants must be made by the worker online

Successful applicants will receive a decision and their permit digitally, if applied via the 'UK Immigration: ID Check' app or sent a physical version. The permit lasts for 5 years (2 years for 'retained' status applicants).

Unsuccessful applicants will receive a decision notice explaining the reason for refusal. It will explain if the applicant has the right to either a) Administrative Review or b) Immigration Decision Appeal.

Permit Renewals must be completed every 5 years (2 years for 'retained' status workers) and applicants will need to provide evidence that they continue to meet the suitability and eligibility criteria.

Family Members of Frontier Worker Permit holders cannot apply for this permit. They can apply via the EU Settlement Scheme Family Permit for entry clearance to join a frontier worker in the UK or escort them to the UK.

Also, they may apply for settled or pre-settled status under the EU Settlement Scheme.

Applicants require:

Valid passport or national identity card

Depending on if they are employed or self-employed:

- an employment contract, or contracts to work in the UK
 - pay slips, or copies of invoices for work carried out in the UK
-

'Retained' status workers, will need evidence for which criteria they meet, such as:

- Doctor's letter if ill
 - Evidence of job applications if seeking employment
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Frontier Worker Permit v. EU Settlement Status (EUSS)

When comparing options for EU/EEA workers in the UK, the appropriate scheme will depend on the individual and their ambitions, as well as if they are a UK resident, or overseas, and the amount of time they spend working in the UK.

Benefits of Frontier Worker Permits

- Allows for the transition from free movement to continued access to the UK for workers who are not resident.
- Free application process and the Immigration Health Surcharge (IHS) is not applicable.
- Workers can retain frontier worker status if their work is paused (for instance due to illness, accident, childbirth) and the permit can be renewed indefinitely.
- Frontier worker permit holders are able to rent and access benefits and services including NHS healthcare in the UK if eligibility requirements are met.

Challenges

- This permit does not lead to settlement. For applicants whose circumstances and aims involve settling in the UK permanently, alternative applications under the EUSS where possible would be preferable. For instance, pre-settled status will provide an EU worker with a five-year permit to continue to work in the UK.
- Family members cannot apply as dependents of a frontier worker.
- The permit does not confer leave to enter or remain under the Immigration Act 1971; the holder will be exempt from immigration control. The frontier worker permit is a right of admission to the UK and therefore will not lead to indefinite leave to remain.
- For workers familiar with the freedom of movement under EU law, it is likely that the frontier worker permit will be a welcome option to continue working in the UK.



Guiding Principles



Collaborative

We work collaboratively towards a shared goal of becoming the best and most professional business partner our clients could wish for, becoming an extension of their team, helping to shoulder their burden, and achieving mutual success.

Authentic

We remain true to the principles that have brought the business to where it is now, never forgetting that we are a people business, and that developing long lasting, genuine and human relationships is key to our success.

Loyal

We're committed to the people around us, and demonstrate our loyalty by trusting, nurturing and supporting each other at every turn.

Inclusive

We're open-minded and listen carefully to all our colleagues' ideas and suggestions without pre-judgement. And we always remain mindful of our language and behaviour towards others.

Brave

We're never afraid to challenge the status quo and actively encourage each other to be bold and inventive in our thinking to find the best solutions possible for our clients, our candidates and our business.

Resilient

When faced with challenges, we show the strength of character needed to find new ways to get the job done, and to recover quickly from any setbacks we may face.

Empowered

Our biggest asset is our people and we want them to grow in confidence and ability - so we empower individuals to make their own decisions free from the shackles of bureaucracy and a strict KPI structure.

Summary of Eligibility

Eligibility	EUSS	FWP
Applicant must be resident in UK (before 31 December 2020)	✓	x
Applicant must have worked in UK in 2020	x	✓
Permanent settlement option	✓	x
Status lost if spend less than 6 months p.a. in UK	✓	x
Suitable to those EEA citizens resident in the UK for at least 6 months per 12 months	✓	x
Suitable for EEA workers who work less than 180 days p.a. in the UK	x	✓
Renewable	N/A	✓
Continuous right to work for workers who spend less than 6 months p.a. in the UK	x	✓
Application deadline	30/06/21	N/A

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RE Recruitment
Manor Park Place
Rutherford Way
Swindon Village
Cheltenham
GL51 9TU

T: 01242 505400
E: office@rerecruitment.com