

Brexit Insight:

Frontier Workers

What the new guidance means for you

FRONTIER WORKERS – WHAT THE NEW GUIDANCE MEANS FOR YOU

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Agenda

We will cover:

- The overview of frontier workers
 - What are frontier workers
 - Who is eligible
 - Why are we having to change our approach to frontier workers
- What does a frontier work permit provide
- Your responsibilities as an employer for frontier workers post Brexit and 2021
- UK nationals who are frontier workers elsewhere and what this means for them

The overview of frontier workers



What are frontier workers

- Individuals are considered a frontier worker (also called 'cross border' worker) if they work on one side of a border but live on the other.
- Individuals can be either employed or self-employed in the UK
- And they must return home at least once a week to have the legal status of a frontier worker
- On 31st December 2020 the Brexit transition period came to an end which will affect some frontier workers as they will need a frontier worker permit to enter the UK for work from 1 July 2021 onwards.

Who is eligible?

- Individuals may be eligible if all of the following apply:
 - They're from the EU, Switzerland, Norway, Iceland or Liechtenstein;
 - They live outside of the UK;
 - They have worked in the UK by 31 December 2020;
 - They have kept working in the UK at least once every 12 months since they started working here

Irish citizens do not need to apply for a Frontier Worker permit but they can choose to do so.

Individuals cannot apply if they're a British citizen (this includes dual citizenship).

- If individuals want to work in the UK from 1 January 2021, and were not working here before, they'll need to apply for a visa.
- If they're a frontier worker, they'll need a permit to enter the UK to work from 1 July 2021.

Why are we having to change our approach to frontier workers

- An EU national would need to have been working in the UK prior to 1 January 2021
- What proof can they provide for this
- What can the employer accept as proof
- Online right to work checks
- Grace period

**What does a
frontier
worker
permit
provide**



What does a frontier worker permit provide

- A Frontier Worker permit lets individuals come to the UK to work while living elsewhere
- Individuals can use their permit to enter the UK as a frontier worker and show their right to
 - Work
 - Rent
 - Access benefits and services, including NHS healthcare, if they meet the relevant eligibility requirements
- Family members are not covered by Frontier Worker permits

**How can we
retain
frontier
worker
permits**



How can we retain frontier worker permits

- When you renew your permit, you'll need to show that you continued to meet the eligibility requirements over the period of time since you last applied.
- If you're not employed or self-employed at the point you apply to renew, or you're temporarily unable to work, you'll still be able to apply for a 2-year permit as someone with 'retained' status (as long as you meet the requirements).
- Record keeping is imperative
- Worker on maternity can continue to keep their frontier worker status

Employer responsibilities



Employers' roles and responsibilities

- Auditing frontier workforce
- Positive communication
- Establishing last entry date for work
- Knowledge of entry date
- Keep workers informed about requirements to maintain and renew their permit
- Applying for your Sponsor Licence

UK frontier workers and working examples



UK frontier workers

- Permitted business activities
- Frontier worker status – regular commuting prior to 1 January 2021?
 - May need to make application
 - Continue to work as before
- Consider on case by case basis
- Local law and entry requirements

UK frontier workers - examples

- France

If you live in the UK or another EU or EFTA country and commuted to work in France before 1 January 2021 you need a permit. You must apply for this permit from the Prefecture where you work before 1 July 2021.

- Germany

If you live in the UK or another EU or EFTA country and regularly commuted to work in Germany before 1 January 2021, you must apply for a new frontier worker document (Aufenthaltsdokument für Grenzgänger-GB), at the local Foreigners Authority for your workplace.

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