

FACTSHEET: UK'S FRONTIER WORKER PERMIT

**SMITH
STONE
WALTERS**

Immigration Practice



ABOUT THIS GUIDE

A frontier worker is an EU/EEA or Swiss citizen who is employed or self-employed in the UK but resident elsewhere.

European nationals who previously began working in the UK on this basis before the Brexit transition period ended on 31 December 2020 can still enter the UK for work.

Irish citizens' rights are already protected under the Common Travel Area. They can apply for a permit if they wish, but it is not a requirement.

Applications opened for the UK's Frontier Worker permit on 10 December 2020. There is no deadline to apply, but workers will need to hold a valid permit, as well as a valid passport or national identity card, to enter the UK as a frontier worker from 1 July 2021.

In this guide, we explain the eligibility requirements for a Frontier Worker permit and outline the application process.

ELIGIBILITY REQUIREMENTS

In order to apply for a Frontier Worker permit, you must:

- Be a EU, EEA or Swiss national
- Live 'primarily' outside of the UK
- Have worked in the UK before 31 Dec 2020
- Have kept working in the UK at least once every 12 months since the date you began working here

You must also be able to demonstrate that the work you carry out in the UK is 'genuine and effective'. This means it must be more than small, one-off tasks such as attending an interview or signing a contract.

RESIDENCY REQUIREMENT

The Home Office criteria to assess whether someone lives 'primarily' outside of the UK can seem confusing.

You must meet this requirement by demonstrating how much time you've spent in the UK over the course of a 12 month period since 1 January 2020. You will be eligible if either of the following apply:

- You have spent **less** than 180 days in total in the UK during any rolling 12 month period between 1 January 2020 and the date of application
- You have spent **more** than 180 days in the UK during a relevant 12 month period, but you returned to your country of residence at least once every six months, or twice in the 12 month period.

If you have been unable to travel to your country of residence due to exceptional circumstances such as COVID-19 or illness, you will still be able to apply.

HOW TO APPLY

Applications for a Frontier Worker permit are submitted online via the gov.uk website, and can be filed from outside or inside the UK.

To prove your identity as part of your application, you can use the UK Immigration: ID check smartphone app, or attend an appointment at a visa application centre.

Documents you may need to provide include:

- A valid passport or national identity card
- Supporting documents such as an employment contract, payslips or copies of invoices for work undertaken in the UK.



WHAT IS 'RETAINED STATUS'?

If there has been a 12-month period where you have been unable to come to the UK to work, you may be able to 'retain' your status as a frontier worker, and still be eligible to apply for a permit. To qualify for retained status, you must have been either:

- Temporarily unable to work due to illness or an accident, or because you were pregnant or had given birth
- Involuntarily unemployed and either looking for work or doing vocational training
- Voluntarily unemployed and doing vocational training related to your last occupation
- Unable to come to the UK due to COVID-19 restrictions

WHAT ACTIVITIES ARE PERMITTED?

A Frontier Worker permit will grant the holder the permission to work, rent property and access benefits and services such as the NHS in the UK, providing they meet the relevant eligibility requirements.

A Frontier Worker permit does not grant the holder leave to enter or remain in the UK under the Immigration Rules on the same basis as other visa categories, but instead serves as a right of admission as a person who is exempt from immigration controls. Although the permit can be renewed indefinitely as long as the applicant still meets the eligibility requirements, it does not lead to settlement in the UK. Frontier workers will need to renew their permit every 5 years, or every 2 years if they applied with a retained worker status.

WHEN IS THE DEADLINE FOR APPLICATIONS?

There is no deadline to apply but frontier workers will need a permit to enter the UK from 1 July 2021.

Until then, European nationals can continue to use their passport or national identity card. Any EU, EEA or Swiss citizens who want to work in the UK from 1 January 2021, and were not working here before that date, will need to apply under the UK's points-based immigration system.

FRONTIER WORKER OR SKILLED WORKER?

It is important for frontier workers and their employers to carefully consider all other visa options available before applying for a Frontier Worker permit. Applying under other schemes such as the Skilled Worker route or the EU Settlement Scheme (EUSS) for example will grant the worker greater benefits such as the ability to spend more time in the UK each year, and the option to eventually apply for British citizenship.

Employers of European staff who regularly travel to the UK to work should discuss immigration options with their employees to ensure they can lawfully continue to fulfil their roles post-Brexit.

Please contact Smith Stone Walters for more information on Frontier Worker permits.

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