

Brexit: implications for frontier workers

On January 31, 2020 the United Kingdom left the European Union and a transitional period took effect that lasts until December 31, 2020. During this period all EU rules and laws continue to apply and the EU and the United Kingdom will negotiate about their relationship in the period after January 1, 2021.

Not much will change for UK citizens and their family members who were already *living* in the Netherlands before January 1, 2021. In recent months, the Dutch Immigration and Naturalization Service (INS) actively invited this group to apply for a residence permit, so that they may also continue to live and work in the Netherlands after the transitional period. The permit is granted under the current condition for their residence as EU national and the requirements have thus not become stricter. Also after the transitional period, Dutch employers will not require a work permit for these individuals.

Moreover, this does not only apply to UK citizens, but also to their family members who do not have an EU nationality themselves.

UK frontier workers in the Netherlands

A special group of workers for whom Brexit may have important implications are UK citizens who live in the United Kingdom and work in the Netherlands as frontier workers.

For those working in the Netherlands as a frontier worker *before* January 1, 2021, they may, regardless of the outcome of the negotiations, continue to work in the Netherlands as of January 1, 2021 without requiring a work permit for this. However, they must have a Frontier Worker document, which can be used to show that they are entitled to travel to and from the Netherlands.

The Frontier Worker document must be applied for online, but the INS has not yet published the specific conditions that must be complied with or how to submit the application. This will become clear in the coming months.

For UK citizens who intend to only start working as a frontier worker in the Netherlands after January 1, 2021, it is still unclear whether a work permit is required. This depends on the outcome of the negotiations. If no agreements are made about this, a work permit will be required.

It is still unclear whether a work permit for this group can be granted under flexible conditions. An application must, in any case, be submitted to the Dutch Employee Insurance Agency (*Uitvoeringsinstituut Werknemersverzekeringen*; UWV) and the procedure may take five weeks.

Dutch frontier workers in the United Kingdom

There are also many Dutch citizens who live in the Netherlands but work as frontier workers in the United Kingdom. It is also important for them which agreements are made.



The UK government recently published new policy for all EU frontier workers who work in the United Kingdom. Current frontier workers who started working as frontier workers no later than December 31, 2020 will retain their status and may continue to work in the United Kingdom also after the transitional period if they apply for a frontier worker permit.

Similar to the situation in the Netherlands, the United Kingdom will also announce a special procedure later this year that allows frontier workers to submit an application online free of charge. The intention is that the application can be made both from the United Kingdom and the Netherlands.

Until July 1, 2021 current frontier workers will be allowed to travel to the United Kingdom using only their passport or a valid ID card. However, as of July 1, 2021 they will also be required to have a valid frontier worker permit.

Depending on the personal situation, a frontier worker permit will be issued for five or for two years.

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