

9 March 2021

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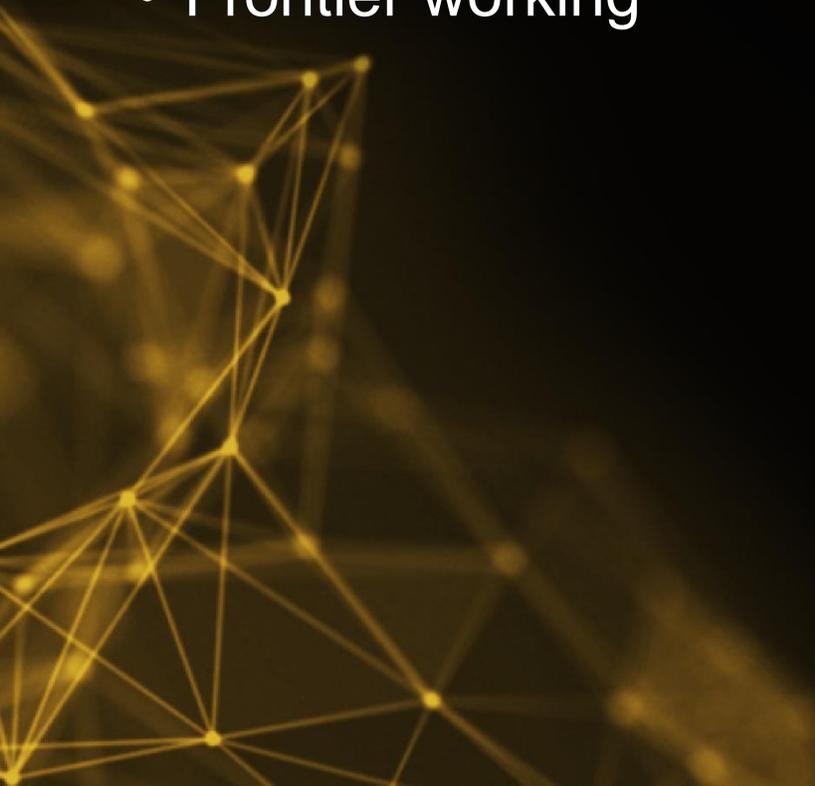
# FREETHS

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Post Brexit – travel for work in Europe and from Europe

*Emma Brooksbank, Partner Immigration*

- The Brexit Deal - travel to the EU from the UK and to the UK from the EU
- Non-visa status – UK Visit rules – permitted creative activities
- Permitted Paid Engagements
- Frontier working



# *The Brexit deal*

- Within the Brexit deal, there is very little provision for the movement of persons between the UK and the EU. There are however limited provisions for movement for business purposes.
- The Deal provides that the EU will allow UK nationals short-term visa-free visits for short term business visitors of up to 90 days within any 180-day period. The UK will reciprocate by allowing visa-free short-term visits for EU citizens. Visas for visits exceeding this period remain subject to national procedures.
- Business activities include attending meetings, consultations and conferences, but do not include engaging in creative activities.
- Short-term visitors and business visitors cannot receive remuneration from within the country in which they are staying temporarily for business activities undertaken there.

# Travelling from the UK to the EU

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Travelling to the EU to undertake an activity, such as paid work, which is not covered by the business visit provisions, or which is to be for a period of over 90 days in 180 days, will require advice on the domestic provisions for each country in which work is to be undertaken.

For UK acts and their support, there is no EU-wide commitment as part of the Trade and Cooperation deal, there are 26 different sets of rules.

*“While some EU countries apply an exemption from work permit rules for cultural activity, along the lines of the UK’s Permitted Paid Engagement, not all do, and it is fair to say that this will make multi-country touring significantly more complicated and expensive.”* The Association of British Orchestras

When requested by the NME, the European Commission produced a spreadsheet with its analysis of which EU countries require work permits for nationals of third countries for paid work and which do not; entitled **“Information on national derogations from the visa requirements”**

European nationals are non-visa nationals and so do not need prior entry clearance to visit the UK. (UK nationals are also non-visa nationals for visit entry to Europe). European nationals can enter as a standard visitor through an e-gate;

Under the visit visa regime, they can secure permission to stay for up to 6 months;

They can only undertake “Permitted Activities”:

An artist, entertainer, or musician may:

- (a) give performances as an individual or as part of a group; and
- (b) take part in competitions or auditions; and
- (c) make personal appearances and take part in promotional activities; and
- (d) take part in one or more cultural events or festivals on the list of permit free festivals in Appendix Visitor: Permit Free Festival List.

Personal or technical staff or members of the production team of an artist, entertainer or musician may support the activities provided they are attending the same event as the artist, entertainer or musician, and are employed to work for them outside of the UK.

But, a visitor cannot receive payment from a UK source for any activities undertaken in the UK as a visitor, except for reasonable expenses to cover the cost of their travel and subsistence, with the exception of those performing at permit free festivals.

# *Permitted Paid Engagements*

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Under a separate section of the UK visit visa rules, for Permitted Paid Engagements, a professional artist, entertainer, or musician coming to carry out an activity directly relating to their full time profession, where they have been invited by a creative (arts or entertainment) organisation, agent or broadcaster based in the UK can be paid to undertake an engagement in the UK.

The paid engagement must be arranged before they travel to the UK, be declared as part of their application for entry clearance or permission to enter the UK, be evidenced by a formal invitation and relate to their area of expertise and occupation overseas. They must either apply for entry clearance or seek leave to enter from an Immigration Officer on entry (cannot use e-gates).

They will be granted permission to stay for one month.

This does not extend to their crew.

- The rights of European Economic Area (EEA) citizens who were frontier working in the UK by 11pm on 31 December 2020 are protected by the Withdrawal Agreement.

A frontier worker is :

- a European Economic Area (EEA) citizen (not a dual British citizen). Irish citizens can apply but they do not need to;
- who is not primarily resident in the UK;
- and who was a worker or self-employed person in the UK (or a person with retained rights) before the end of the transition period

Frontier workers have the right to come to the UK to work for as long as they remain a frontier worker.

Family members cannot apply as dependants

The route does not lead to settlement.

- During the grace period, from 11pm GMT on 31 December 2020 to 30 June 2021, it is **not** mandatory for a frontier worker to have applied for or to produce a frontier worker permit to enter the UK as a frontier worker.
- From 1 July 2021, a frontier worker will need a permit to enter the UK as a protected frontier worker.
- A permit can be secured by making an online application and providing biometric information, either in the UK or outside the UK. This will be supported with evidence of identity and evidence of satisfaction of the requirements, for example a UK employment contract, payslips or copies of invoices for work carried out and evidence of primary residence being located outside the UK.
- Applications are free of charge
- A frontier worker permit is granted for 5 years (or 2 years if based on retained status)

# Contacts

FREETHS



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