



Brexit in the boardroom

Issues and implications for Irish Business





Aoife Newton
Legal Services

Employment and immigration

The focus on immigration in recent Brexit discussions appears to have somewhat broadened from the speculation of what Brexit could mean for the mobility of employees between Ireland and the UK to include a political focus on border control and general security concerns.

Politicians on both sides of the Irish Sea appear to favour the retention of the Common Travel Area, however, our EU partners may take a less collegial view of this special arrangement which we enjoy with what is destined to become a non EU Member State.

The Common Travel Area (the “CTA”) is a unique arrangement which allows for full freedom of movement of people between Ireland and the UK. The CTA led to the development of the Short Stay Visa Waiver Programme (the “Programme”) which enables certain non-EEA visa required nationals to travel between Ireland and the UK without performing any additional immigration formalities.

The Programme facilitates individuals travelling from certain countries in Eastern Europe, the Middle East and other parts of Asia who have a valid UK Visa, to lawfully travel to Ireland for up to 90 days or to the end of the period of their leave to remain in the UK (whichever is shorter). It is interesting to note that the Programme is not reciprocal - possession of an Irish visa does not allow travellers enter the UK. Anybody who is visa required by the UK and who wishes to enter the UK, must be in possession of a valid UK visa. This includes those wishing to visit Northern Ireland.

The Programme was launched in July 2011 with a view to promoting tourism from emerging markets. The Programme has since been extended and will now run until 31 October 2021 - a point in time when much of what Brexit means for immigration will be beyond speculation.

The CTA has also led to the creation of the British Irish Visa Scheme which permits Chinese and Indian nationals visiting the UK on a short term basis to travel to Ireland and vice-versa without additional immigration requirements. This means that Chinese and Indian business and tourist visitors can travel between Ireland and the UK on a single visa.

It is far from clear at this point whether the CTA will continue following Brexit, however, it is likely that the CTA will feature significantly in the negotiations on immigration matters between Ireland and the UK.

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It has been suggested that Ireland may have to increase its border security as part of an agreement with the UK to help manage its concerns regarding immigration security post Brexit. Such focus could be viewed by the EU as an erosion of the free movement of workers between EU Member States; however, this may be an essential element of the maintenance of the CTA. It is clear that one of Ireland's challenges is to balance the political issues associated with the border whilst fulfilling its responsibilities as a member of the EU in maintaining the free movement of workers across the EU.

What this means for employers with a pan European workforce has yet to be established; however, we already know that the State is dealing with increased passport and employment permit applications. In that regard, as previously advised, further delays in processing applications may become a reality and HR practitioners will come under increasing pressure to manage timelines of establishing new recruits in Ireland. Accordingly, we advise HR practitioners to consult with KPMG's Employment and Immigration team early in their recruitment process.

