

JULY 12, 2016 BULLETIN TO ALL IMMIGRATION CLIENTS

## Global Immigration Update: The "BREXIT" Question

On 23 June 2016, the citizens of the United Kingdom voted in favor of leaving the European Union—the so-called "British Exit" or "Brexit". No doubt, you've seen the media coverage of this historical vote, which was primarily brought about by parties concerned about immigration in the UK. Now that the populous have voted to leave the EU, where does that leave the question about immigration? In a word, "unanswered." There are a number of other uncertainties that need to be addressed before we can consider the immigration question.

**First**, the government of the United Kingdom must formally declare its intention to leave the EU. The vote on 23 June was simply a referendum, to gauge the public's will on this matter. There's a great deal of discussion over how legally binding the referendum vote is, and who has the authority to make the formal declaration to the EU. It's unlikely that the PM or Parliament will attempt to go against the popular vote. There's also some discussion on when the official declaration should be made. With current Prime Minister, David Cameron, opting to step down, and in light of the current political climate elsewhere in Europe, we don't expect a vote or any other official movement on the Brexit at least until later this fall, after a lot of the other procedural questions have been answered. The new PM, Theresa May, has already said that the official declaration to the EU will not happen until at least January. When the PM and Parliament do finally act on this, the formal declaration will, necessarily, be followed by a series of debates and subsequent votes about what new laws will take the place of those currently mandated by the EU agreement. In addition to new or different immigration laws, we may see changes to Employment, Taxation, Data Protection, and a host of other sections of the public law as well.

**Second**, the UK must negotiate individual agreements with each of the other European countries, to establish the bi-lateral rules for citizens of each. At the moment, members of the EU all abide by a common set of rules which govern intra-European immigration, banking, law enforcement, etc. From the date of the formal withdrawal declaration, the UK will have two years to negotiate new agreements with each of its former union-mates, to decide how these things will be handled once they've left the EU. It would be foolish to speculate on what the new agreements will look like, but there may be some significant changes in the new agreements with certain Eastern-European countries that may not have as much bargaining power. Keep in mind, also, that these new agreements will affect not only those companies that want to do business in the UK and those people who want to enter the UK, but the UK companies and individuals doing business and traveling abroad as well. From an immigration perspective, we will be watching the UK and the rest of the EU,

to see all of the changes that might affect the movement of people to, from, and within Europe in the coming years.

**Third**, and finally, the UK and other European countries must codify the new rules and announce new policies, if any, to the concerned stakeholders. Although some changes may start sooner, the majority of significant changes to the immigration and business rules throughout Europe will begin after the two-year negotiation period and probably will not be settled for several years after that. In most cases, there will be a transition period to allow everyone to adjust to the new systems and procedures. Most European governments have been considerate enough to give fair warning of any major changes in the past, and we hope that that practice will continue through this transition period as well.

In short, there's no way to know for sure now what the answers will be when the dust finally settles on this matter. Emotions now are raw and there are still too many unanswered questions about the process to confidently predict what the outcomes may be. We will continue to keep our eyes on the process and give you regular updates as/when any new information comes to light. In the meantime, we advise carrying on under the current regulations. That being said, there may be certain things your employees can do to preserve or solidify their status in the UK (or their status elsewhere in Europe if they are citizens of the UK), to avoid any future concerns about what might happen.

If you have any long-term European employees from or in the UK, please feel free to contact us at 412-297-4900 to discuss the options. To receive future bulletins by e-mail, please send an e-mail to [bulletins@cohenlaw.com](mailto:bulletins@cohenlaw.com).

*NOTE: We are knowledgeable and experienced immigration professionals, but we are not authorized to practice law or give advice in every jurisdiction in which our clients do business. Therefore, and when appropriate and/or required by local laws, we seek the counsel of authorized immigration professionals within the target jurisdiction and work closely with them to evaluate immigration requirements and options, prepare and file applications, etc.*

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